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The Laissez-Faire Radical: A Quest for the Historical Mises

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That Ludwig von Mises was the outstanding champion of *laissez-faire* and the free-market economy in this century is well known and needs no documentation. But in the course of refining and codifying his political views, Mises' followers have unwittingly distorted them and made them seem at one with the modern conservative movement in the United States. Mises is made to appear a sort of *National Review* intellectual concentrating on the free-market aspects of conservatism. While the image of Mises as an essential conservative is scarcely made up of the whole cloth, it totally overlooks rich strains of Misesian thought that can be described only as "*laissez-faire* radical." Unfortunately, these strands of Misesian thought have been all but lost. Perhaps this essay will help to right the balance.

There is no need here to try to define and distinguish *laissez-faire* "conservatism" from "radicalism." A setting forth of various radical positions taken by Mises should make the distinction clear enough.

Some anti-conservative aspects of Misesian thought are, again, too well known to require discussion. Thus, for Mises, personal liberty was required by logical consistency; for, if the government began to restrict or suppress one or a few consumption goods, why should they stop at regulating all? As a champion of consumer sovereignty and the consumer society, Mises also had no patience with aristocratic conservatives who scorned mass consumption or the rule of production by consumer demand.

1. War and Imperialism

Mises stood squarely for the classical liberal policy of a peaceful foreign policy and opposition to aggressive nationalism and imperialism. Thereby he took his stand in opposition to conservatives of his day and ours. Mises saw that internal peace through the division of labor and freedom of enterprise has as its counterpart a devotion to international peace and freedom of trade. He was proud to call himself a "citizen of the world, a cosmopolite," in contrast to chauvinist nationalism, and he touted classical liberalism "with its unconditional extolment of peace."[1]

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Mises perceptively saw that the general drive toward war was a reflection of the abandonment of free trade and minimal government at home. If, for example, government is small and abstains from any interference with the economy or society, then it doesn't *matter* much which State controls which territory. But if States develop restrictions which exclude goods or citizens of other States, then which State governs matters a great deal.

Mises boldly proclaimed his "pacifism," but made clear that it was to be distinguished from the older sentimental pacifism. Instead his was the "pacifism of the Enlightenment philosophy of natural law, of economic liberalism, and of political democracy, which has been cultivated since the 18th century." This kind of pacifism

> does not arise from a sentiment that calls on the individual and the state to renounce the pursuit of their earthly interests out of thirst for fame or in hope of reward in the beyond; nor does it stand as a separate postulate without organic connection with other moral demands. Rather, pacifism here follows with logical necessity from the entire system of social life. He who, from the utilitarian standpoint, rejects the rule of some over others and demands the full right of self-determination for individuals and peoples has thereby rejected war also. He who has made the harmony of the rightly understood interests of all strata within a nation and of all nations among each other the basis of his world view can no longer find any rational basis for warfare. He to whom even protective tariffs and occupational prohibitions appear as harmful to everyone can still less understand how one could regard war as anything other than a destroyer and annihilator, in short, as an evil that strikes all, victor as well as vanquished.[2,3]

Mises also denounced the renewed Western imperialism of the late nineteenth century as the consequence of a turn away from free trade and free markets and a competing drive for exclusive State-controlled trading areas. Mises was unsparing toward the Western imperialist powers, including the relatively less dictatorial English empire, in his indictment:

> We may date the beginning of modern imperialism from the late seventies of the last century, when the industrial countries of Europe started to abandon the policy of free trade and to engage in the race for colonial "markets" in Africa and Asia.
>
> It was in reference to England that the term "imperialism" was first employed to characterize the modern policy of territorial expansion... [T]he end that the English imperialists sought to attain in the creation of a customs union embracing the dominions and the mother country was the same as that which the colonial acquisitions of Germany, Italy, France, Belgium, and other European countries were intended to serve, viz., the creation of protected export markets....
>
> In order to attain the goals that imperialism aimed at, it was not enough for the nations of Europe to occupy areas inhabited by savages incapable of resistance. They had to reach out for territories that were in the possession of peoples ready and able to defend themselves...

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> [E]verywhere we see the imperialist aggressors in retreat or at least already in difficulties.[4]

If Mises was harsh on the "imperialist aggressors," he was even harsher in his assessment of the European imperialist and colonialist policies pursued since the fifteenth century. He indicted European colonialism in Asia and Africa for racism, rapine, and genocidal policies of extermination:

> The basic idea of colonial policy was to take advantage of the military superiority of the white race over the members of other races. The Europeans set out, equipped with all the weapons and contrivances that their civilization placed at their disposal, to subjugate weaker peoples, to rob them of their property, and to enslave them.[5]

Mises adds scornfully that "attempts have been made to extenuate and gloss over the true motive of colonial policy with the excuse that its sole object was to make it possible for primitive peoples to share in the blessings of European civilization." But Mises rebuts that, if European civilization is truly superior, then "it should be able to prove its superiority by inspiring these peoples to adopt it of their own accord." And he adds the passionate indictment: "Could there be a more doleful proof of the sterility of European civilization than that it can be spread by no other means than fire and sword?"

Mises concludes his radical philippic against Western imperialism:

> No chapter of history is steeped further in blood than the history of colonialism. Blood was shed uselessly and senselessly. Flourishing lands were laid waste; whole peoples destroyed and exterminated. All this can in no way be extenuated or justified. The dominion of Europeans in Africa and important parts of Asia is absolute. It stands in the sharpest contrast to all the principles of liberalism and democracy, and there can be no doubt that we must strive for its abolition.[6]

To the argument that total and immediate withdrawal of European governments from the colonies would lead to conflict and anarchy, Mises replied:

> It may be safely taken for granted that up to now the natives have learned only evil ways from the Europeans, and not good ones. This is not the fault of the natives, but rather of their European conquerors, who have taught them nothing but evil. They have brought arms and engines of destruction of all kinds to the colonies; they have sent out their worst and most brutal individuals as officials and officers; at the point of the sword they have set up a colonial rule that in its sanguinary cruelty rivals the despotic system of the Bolsheviks. Europeans must not be surprised if the bad example that they themselves have set in their colonies now bears evil fruit.... Nor would they be justified in maintaining that the natives are not yet mature enough for freedom and that they still need at least several years of further education under the lash of foreign rulers before they are capable of being left on their own. For

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> this "education" itself is at least partly responsible for the terrible conditions that exist today in the colonies, even though its consequences will not make themselves fully apparent until after the eventual withdrawal of European troops and officials.[7]

As to the argument that the Europeans must remain in the colonial lands in the interests of the natives themselves, Mises heaped scorn upon such sham expressions of altruism:

> No one has a right to thrust himself into the affairs of others in order to further their interest, and no one ought, when he has his own interests in view, to pretend that he is acting selflessly only in the interest of others.[8]

2. Self-Determination, National and Individual

If it is radical and not conservative to be bitterly opposed to war and to Western imperialism, it is equally anti-conservative to be devoted to the concept of "national self-determination." In truth, national self-determination is the other side of the coin of anti-imperialism, for it means that the imperial power must be dislodged from its rule over subject nationalities.

Conservatives scorn the right of national self-determination as leading to the Balkanizing and dividing up of Great Powers and hence as inconsistent with power politics. But to Mises, self-determination of nations and nationalities was simply grounded in the rights of *individuals*. The right of self-determination of nationalities and sub-groups stems from the rights of man. Thus Mises states:

> To the princely principle of subjecting just as much land as obtainable to one's rule, the doctrine of freedom opposes the principle of the right of self-determination of peoples, which follows necessarily from the principle of the rights of man. No people and no part of a people shall be held against its will in a political association that it does not want.[9]

Mises points out that he starts his analysis with the individual, and that nationalism too is grounded on the individual. In fact, he refers to nationalism as "the national aspect of the individual person."[10] As an individualist, he is not content to leave the concept of self-determination with the national unit. On the contrary, the right of self-determination should be with individuals, the inhabitants of smaller as well as larger territorial areas, who should be able to exercise their will by means of freely-conducted plebiscites. Thus, Mises states:

> To call this right of self-determination the "right of self-determination of nations" is to misunderstand it. It is not the right of self-determination of a delimited national unit, but the right of the inhabitants of every territory to decide on the state to which they wish to belong.[11]

Each local sub-group, to Mises, has then the right to choose what state to belong to, or even to set up its own independent state. Therefore:

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> The right of self-determination in regard to the question of membership in a state thus means: whenever the inhabitants of a particular territory, whether it be a single village, a whole district, or a series of adjacent districts make it known, by a freely conducted plebiscite, that they no longer wish to remain united to the state to which they belong at the time, but wish either to form an independent state or to attach themselves to some other state, their wishes are to be respected and complied with. This is the only feasible and effective way of preventing revolutions and civil and international wars.[12]

How far would Mises push the principle of secession, of self-determination? Down to a single village, he states; but would he press beyond even that? He calls the right of self-determination not of nations, "but rather the right of self-determination of the inhabitants of every territory large enough to form an independent administrative unit." But how about self-determination for the ultimate unit, *for each individual?* Allowing each individual to remain where he lives and yet secede from the State is tantamount to anarchism, and yet Mises comes very close to anarchism, blocked only by practical technical considerations:

> If it were in any way possible to grant this right of self-determination to every individual person, it would have to be done. This is impracticable only because of compelling technical considerations, which make it necessary that the right of self-determination be restricted to the will of the majority of the inhabitants of areas large enough to count as territorial units in the administration of the country.[13]

That Mises, at least in theory, believed in the right of individual secession and therefore came close to anarchism can also be seen in his description of liberalism, that "it forces no one against his will into the structure of the State."[14]

3. The Soviet Threat

If there is anything that characterizes conservative foreign policy in the twentieth century it is a persistent policy of military confrontation with Soviet Russia. No domestic political and economic system could have been more abhorrent to Ludwig von Mises than Bolshevism. Russia's totalitarian collectivism cut against the grain of all Mises' ideals of a free market, democracy and minimal government.

Yet Mises consistently pursued a foreign policy of peace and non-intervention even here. First, "Let the Russians be Russians. Let them do what they want in their own country." There should be free importation of Russian writings: "Neurotics may enjoy them as much as they wish; the healthy will, in any case, eschew them." The Russians should even be permitted, Mises went on, to spread their propaganda and bribe people throughout the world: "If modern civilization were unable to defend itself against the attacks of hirelings, then it could not, in any case, remain in existence much

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longer." Further, Westerners should be permitted to visit Russia if they wish: "Let them view at first hand, at their own risk and on their own responsibility, the land of mass murder and mass misery." And capitalists should be permitted to grant loans or invest capital in Russia: "If they are foolish enough to believe that they will ever see any part of it again, let them make the venture."[15]

But the corollary of a non-interventionist policy of refraining from war or prohibitions is also refraining from artificial subsidy. The Western governments, advised Mises, "must stop promoting Soviet destructionism by paying premiums for exports to Soviet Russia and thereby furthering the Russian Soviet system by financial contributions. Let them stop propagandizing for emigration and the export of capital to Soviet Russia."

Mises wisely concluded that "Whether or not the Russian people are to discard the Soviet system is for them to settle among themselves.... The only thing that needs to be resisted is any tendency on our part to support or promote the destructionist policy of the Soviets."[16]

Writing during World War II, Mises went so far as to look benignly on the prospect of a Communist Germany emerging after the war. For communism would succeed in wrecking Germany's industrial machine and thereby weaken its potential for making war in the future.

> If Germany turns toward communism it cannot be the task of foreign nations to interfere.... The intelligent opponents of communism... will not understand why their nation should essay to prevent the Germans from inflicting harm upon themselves. The shortcomings of communism would paralyze and disintegrate Germany's industrial apparatus and thereby weaken its military power more effectively than any foreign intervention could ever do.[17]

4. Immigration Restrictions

Conservatism is invariably marked by a policy of immigration restrictions, to preserve the homogeneity of the national culture or ethnic character, and to raise the standard of living of national workers by keeping out laborers who would lower wage rates at home. Mises' *laissez-faire* radicalism was marked by uncompromising attachment to freedom of immigration. Not only that; so bitter was he at any immigration laws that at times he came close to calling for war against those nations, such as the United States and Australia, who persisted in locking up parts of the earth and keeping out other peoples.

First, Mises pointed out that immigration barriers are creatures of trade unions, who use them as a method of raising domestic wage rates by excluding foreign workers. The result is to keep foreign workers in a permanently less productive situation with lower wage rates, and to lower the productivity of human labor throughout the world. Wage exclusionism, plus racial

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fears of foreigners, account for the persistence of immigration barriers in the United States and Australia.

In *Liberalism,* Mises confined himself to pointing out that immigration barriers will only be able to be removed in a classical liberal world. In a world of minimal States, what difference would it make for Americans or Australians which ethnic or racial groups were in a majority in their country?[18]

At other times, however, Mises was not so gentle. In *Nation, State and Economy* he called Australia "the imperialistic state par excellence in its immigration legislation," and linked this policy with its greater closeness to socialism than any of the other Anglo-Saxon states (in 1919).[19] What is more, he chastised the League of Nations for not doing something about the U.S./Australian policy of immigration restrictions:

> It is still more serious that the League of Nations does not recognize the freedom of movement of the person, that the United States and Australia are still allowed to block themselves off from unwanted immigrants.... Never can Germans, Italians, Czechs, Japanese, Chinese, and others regard it as just that the immeasurable landed wealth of North America, Australia, and East India should remain the exclusive property of the Anglo-Saxon nation and that the French be allowed to hedge in millions of square kilometers of the best land like a private park.[20]

Perhaps Mises' most bitter assault upon American and Australian immigration barriers came in an article for a Viennese newspaper at the end of 1935.[21] He points out that there are extensive tracts of land which are sparsely settled, notably in the U.S.A. and the British Commonwealth nations. As a result of their relatively scarce population, their productivity, and hence their wage rates, are higher than in Europe. Hence these lands

> have been the goals of would-be European immigrants for more than 300 years. However, the descendants of those earlier emigrants now say: There has been enough migration. We do not want other Europeans to do what our forefathers did when they emigrated to improve their situation. We do not want our wages reduced by a new contingent of workers from the homeland of our fathers. We do not want the migration of workers to continue until it brings about the equalization of the height of wages. Kindly stay in your old homeland, you Europeans, and be satisfied with lower wages.[22]

Mises continues sardonically that the oft-celebrated "'miracle' of the high wages in the United States and Australia may be explained simply by the policy of trying to prevent a new immigration. For decades people have not dared to discuss these things in Europe."[23] But Mises made it clear that here was *one* European who was not afraid to discuss these issues. In fact, after pointing out that European workers suffer from these immigration barriers, he warns darkly that

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> it may be that one day they will reach the conclusion that only weapons can change this unsatisfactory situation. Thus, we may face a great coalition of the lands of would-be emigrants standing in opposition to the lands that erect barricades to shut out would-be immigrants.[24]

Mises concludes that the League of Nations is trying to rectify underlying conditions of conflict in order to avoid war. But he warns that simply rectifying the problem of raw materials or the colonies, or giving back German colonies, would not be enough, for

> what the European emigrants seek is land where Europeans can work under climatic conditions that are tolerable for them and where they can earn more than they can in their homeland, which is overpopulated and less well provided for by nature. Under present circumstances this can be offered only in the New World, in America and Australia.... This is a problem of the right of immigration into the largest and most productive lands, the climates of which are suitable for white European workers. Without the reestablishment of freedom of migration throughout the world, there can be no lasting peace.[25]

5. The Theory of Class Conflict

The idea that there are class conflicts in society, and that there is a ruling class or classes which governs and exploits a ruled, would seem to be Marxian concepts alien to classical liberalism. Classical liberals believe in the harmony of long-run interests of everyone in society, so that, it would seem, statist intervention is merely the product of unsound and erroneous ideas rather than the pursuit of common group or class interests at the expense of the rest of society.

It is true that the latter analysis is the dominant strain in Mises' thought. But there is another *motif*, which exists in Mises as well as in classical liberalism from Adam Smith onward. This is an attack on "special privilege," sought by various groups through the State at the expense of everyone else, pursuing what may be their short-run but is still their strongly felt advantage. Subsidies, compulsory cartels, protective tariffs and, as we have seen, immigration restrictions are among the many examples. But in that case common venality takes its place alongside error as a reason for statism.

In the history of thought, classical liberals rather than Marxists pioneered in the concept of the "ruling class"—defined not in the Marxian sense as including the hiring of wage workers on the market, but strictly as that group or groups that gets control of the State apparatus and uses it to benefit itself at the expense of the rest of the society. Perhaps the first "class conflict" theorists were the libertarian writers Charles Comte and Charles Dunoyer, in Reconstruction France after the final defeat of Napoleon.[26] The Comte-Dunoyer thesis, influenced by J. B. Say, was that "ruling class"

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may be defined simply as that class which manages to rule the State, while the ruled are those dominated by the former through the State. Thus, class conflict does *not* inhere in the free-market economy or society, but is strictly *in relation of State.* Class harmony exists only on the free market; class conflict is generated by statism and by the relation of classes to the State.

The dilettantish French nobleman, Count Claude Henri de Saint-Simon, was originally a disciple of Comte and Dunoyer, and picked up his own theory of class conflict from them. Unfortunately, as Saint-Simon and particularly his followers (the Saint-Simonians) became socialists, they changed the theory of class conflict to add a fatally inconsistent element. It was this self-contradictory theory of classes that was then picked up by Karl Marx and incorporated into the Marxist structure. Briefly, it held, with Comte and Dunoyer, that the major stages of statism had been, first, Oriental despotism, in which an emperor and his tax-supported bureaucracy constituted the ruling class exploiting and dominating the peasantry; and, second, feudalism, in which landlords dominated the State and used it to expropriate the peasantry and exact rents from them. In both cases, Oriental despotism and feudalism, the ruling classes were those who managed to seize control of the State apparatus, the organized engine of violence in society. But then the Saint-Simonians and Marx added another exploitative "ruling class": capitalists who hire workers on the market. Before capitalism, in short, conflicting classes are defined as those in different relations *to the State.* In contrast, capitalists who hire workers engage in a market transaction, have nothing to do with the State, and yet for some reason are supposed to have a common interest. What the socialists overlooked is that capitalists' hiring workers is a voluntary rather than a coercive transaction; and that capitalists have no class interests in common. On the contrary, capitalists compete with each other, just as workers do. There are no common "capitalist" or worker class interests on the free market.[27]

Ludwig von Mises, while showing no knowledge of previous classical liberal ruling class theory, arrived at a very similar analysis. He distinguished early between "classes," which could logically be any grouping of people on the free market and which had no common or conflicting interests, and "estates" or what he later called "castes." Castes have common interests conflicting with those of other castes, for their relations to the State differ. In contrast to classes in the market, which have no common interests and therefore do not conflict with each other,

> estates were legal institutions, not economically determined facts. Every man was born into an estate and generally remained in it until he died. All through life one possessed estate-membership, the quality of being a member of a certain estate. One was master or serf, freeman or slave, lord of the land or tied to it, patrician or plebeian, not because one occupied a certain position in economic life, but because one belonged to a certain estate.[28]

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Mises goes on to scoff at the later whitewashing of feudalism as being reciprocal and somehow voluntary, as "the higher orders gave the lower protection, sustenance, the use of the land, and so on." But on the contrary,

> such ideas were alien to the institution in its heyday, when the relationship was frankly one of violence, as may be clearly seen in the first essential distinction drawn by estate—the distinction between free and unfree. The reason why the slave looked on slavery as natural, resigning himself to his lot instead of continuing to rebel and run away... was not that he believed slavery to be a just institution, equally advantageous to master and slave, but simply that he did not want to endanger his life by insubordination.[29]

What estates or castes have in common are their superior or inferior positions before the law. Thus: "In a society divided into estates all members of the estates who lack complete rights before the law have *one* interest in common with other members: they struggle to improve the legal position of their estate. All who are bound to the soil strive to have the burden of rent lightened; all slaves strive for freedom, that is, for a condition under which they can use their labour for themselves."[30]

Mises recognizes explicitly that common class interests are a function of state intervention:

> competition is suspended by special interests only when economic liberty is limited in some way.... Liberal theory does not deny that state interference in trade creates special interests, nor that by this means particular groups can extract privileges for themselves. It merely says that such special favours...lead to violent political conflict, to revolts of the non-privileged many against the privileged few, which by constantly disturbing the peace, hold up social development.[31]

Perhaps Mises' clearest exposition of the difference between "class" and "caste" came in an article written in 1945. He points out:

> Under a caste system...[s]ociety is divided into rigid castes. Caste membership assigns to each individual certain privileges (*privilegia favorabilia*) or certain disqualifications (*privilegia odiosa*). As a rule a man['s]...personal fate is inseparably linked with that of his caste. He cannot expect an improvement of his conditions except through an improvement in the conditions of his caste or estate. Thus there prevails a solidarity of interests among all caste members and conflict of interests among the various castes. Each privileged caste aims at the attainment of new privileges and at the preservation of the old ones. Each underprivileged caste aims at the abolition of its disqualifications. Within a caste society there is an irreconcilable antagonism between the interests of the various estates....
>
> In a free-market society...there are neither privileged nor underprivileged. There are no castes and therefore no caste conflicts. There prevails the full harmony of the rightly understood (we say today, of the long-run) interests of all individuals and of all groups....

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> Our age is full of serious conflicts of economic group interests. But these conflicts are not inherent in the operation of an unhampered capitalist economy. They are the necessary outcome of government policies interfering with the operation of the market. They are not conflicts of Marxian classes. They are brought about by the fact that mankind has gone back to group privileges and thereby to a new caste system.[32,33]

6. Christianity and the Social Order

One of the hallmarks of conservatism, in this century as in the last, is devotion to Christianity both as a religion and as the foundation of the social order. Christianity is supposed to be the bulwark of the rights of private property.

In his brief discussion of religion in his *magnum opus, Human Action,* Ludwig von Mises took a moderate tone. Liberalism, Mises reiterates, is not anti-religion, but combats any theocratic attempt to impose a social order according to alleged divine commands.[34] But in his earlier work, *Socialism,* he set forth a detailed critique of Christianity. Here Mises was far more caustic. Indeed, his chapter "Christianity and Socialism" is a virtual philippic against the social implications of the Christian Gospel.[35]

While he concedes that the Christian Gospels are formally neutral with respect to any social order, Mises sees several dire implications that necessarily follow from the Gospels. First, he claims that Jesus' teachings make sense only as admonitions for a Kingdom of God that was supposed to arrive imminently—hence the early voluntary "communism" of the Christians, the injunctions by Jesus to take no heed of work or toil, etc. So that at best, Jesus' teachings were supposed to apply not to life on earth but only for preparation for the imminent transmutation of the earth into the Kingdom of God. But then, when that Kingdom failed to arrive, the Gospels became disastrous if taken seriously as a social ethic. Furthermore, Jesus' teachings, for Mises, are filled with hatred and resentment of the rich—relatively harmless if earthly life is to end instantly, but fatal if taken seriously as an ethic for the world and for human society.

Hence, for Mises, the Christian Church, despite continuing attempts to come to terms with the world and to carve out a reasonable social ethic, is stuck because of its necessary groundwork in Jesus' Gospels, which Mises regards as ranging from silly to downright dangerous.

The following passage conveys the flavor of Mises' view of Jesus as nihilist waiting for the imminent arrival of the Kingdom:

> "The Time is fulfilled, and the Kingdom of God is at hand: repent ye, and believe the gospel." These are the words with which in the Gospel of Mark, the Redeemer makes his entry (Mark I, 15). Jesus regards himself as the prophet of the approaching Kingdom of God, the Kingdom which according to ancient prophecy shall bring redemption from all earthly insufficiency, and with it from all economic cares. His followers have

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> nothing to do but to prepare themselves for this Day. The time for worrying about earthly matters is past, for now, in expectation of the Kingdom, men must attend to more important things. Jesus offers no rules for earthly action and struggle; his Kingdom is not of this world. Such rules of conduct as he gives his followers are valid only for the short interval of time which has still to be lived while waiting for the great things to come. There the believers will eat and drink at the Lord's table. (Luke XXII, 30)....
>
> It is only in this way that we can understand why, in the Sermon on the Mount, Jesus recommends his own people to take no thought for food, drink, and clothing; why he exhorts them not to sow or reap or gather in barns, not to labour or spin. It is the only explanation, too, of his disciples' "communism".... The primitive Christians do not produce, labour, or gather anything at all. The newly converted realize their possessions and divide the proceeds with the brethren and sisters. Such a way of living is untenable in the long run. It can be looked upon only as a temporary order which is what it was in fact intended to be. Christ's disciples lived in daily expectation of Salvation....
>
> The expectation of God's own reorganization when the time came and the exclusive transfer of all action and thought to the future Kingdom of God, made Jesus' teaching utterly negative. He rejects everything that exists without offering anything to replace it. He arrives at dissolving all existing social ties.... The motive force behind the purity and power of this complete negation is ecstatic inspiration and enthusiastic hope of a new world. Hence his passionate attack upon everything that exists. Everything may be destroyed because God in His omnipotence will rebuild the future order.... The clearest modern parallel to the attitude of complete negation of primitive Christianity is Bolshevism. The Bolshevists, too, wish to destroy everything that exists because they regard it as hopelessly bad. But they have in mind ideas, indefinite and contradictory though they may be, of the future social order.... Jesus's teaching in this respect, on the other hand, is merely negation.[36]

This is not all, however, for in attempting to establish a worldly ethic, the Church finds that the Gospels are filled with attacks on the rich. In fact, for Mises, resentment against the rich is at the heart of Gospel teaching:

> One thing of course is clear, and no skilful [*sic*] interpretation can obscure it. Jesus's words are full of resentment against the rich, and the Apostles are no meeker in this respect. The Rich Man is condemned because he is rich, the Beggar praised because he is poor.... In God's Kingdom the poor shall be rich, but the rich shall be made to suffer. Later revisers have tried to soften the words of Christ against the rich... but there is quite enough left to support those who incite the world to hatred of the rich, revenge, murder and arson.... This is a case in which the Redeemer's words bore evil seed. More harm has been done, and more blood shed, on account of them than by the persecution of heretics and the burning of witches. They have always rendered the Church defenceless against all movements which aim at destroying human society. The church as an organization has certainly always stood on the side of those who tried to ward off communistic attack.

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> But it... was continually disarmed by the words: "Blessed be ye poor; for yours is the Kingdom of God."[37]

Mises then goes on to attack the common conservative idea that Christianity forms a vital bulwark "against doctrines inimical to property, and that it makes the masses unreceptive to the poison of social incitement." But much as the Church might wish to do so, it is stuck with the Gospels, which are "indifferent to all social questions on the one hand, full of resentment against all property and against all owners on the other." Hence, carried over to the real world, Christian doctrine "can be extremely destructive." For

> [n]ever and nowhere can a system of social ethics embracing social cooperation be built up on a doctrine which prohibits any concern for sustenance and work, while it expresses fierce resentment against the rich, preaches hatred of the family, and advocates voluntary castration.[38]

The notable cultural achievements of the Church over the centuries, according to Mises, were the work of the Church, and not of Christianity. "The Church's achievement," asserted Mises, was to "render them [the social ethics of Jesus] harmless," but it could necessarily do so for only a limited period of time. Therefore, he concludes, rather than the Enlightenment having cleared the way for socialism by undermining religious feeling, it is Christianity that has done so, bearing full fruit in the various forms of Christian Socialism. The Church has been harmful rather than helpful to private property and a free economy: "it is the resistance which the Church has offered to the spread of liberal ideas which has prepared the soil for the destructive resentment of modern socialist thought." The official Church tried to resist the Christian Socialist movements at first, "but it had to submit in the end, just because it was defenceless against the words of the Scriptures."[39]

Furthermore, the Christian Church is always striving to dominate society, and hence is trying to suppress individual freedom:

> As long as rationalism and the spiritual freedom of the individual are maintained in economic life, the Church will never succeed in fettering thought and shepherding the intellect in the desired direction. To do this it would first have to obtain supremacy over all human activity. Therefore it cannot rest content to live as a free Church in a free state; it must seek to dominate that state.[40]

Mises concludes, then, by being highly pessimistic about the possibility of reconciling Christianity with a free social order based on private property. "A living Christianity cannot, it seems, exist side by side with Capitalism." He finds only one slim hope for an opposite conclusion: the thin possibility that the Roman Catholic Church, threatened by chauvinist nationalism and national (Protestant) churches, may abandon nationalism

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and adopt the true universalism of unconditional private property in the means of production.[41]

Neither does Mises find any more hope in religions other than Christianity; to the contrary, they are dismissed brusquely and with contempt. Eastern religions are hopelessly anti-capitalist; the Greek Church "has been dead for over a thousand years"; and the "Islamic and Jewish religions are dead." Islam and Judaism "offer their adherents nothing more than a ritual"; they "suppress the soul, instead of elevating and saving it." They maintain themselves by "rejecting everything foreign and 'different', by traditionalism and conservatism. Only their hatred of everything foreign rouses them to great deeds from time to time."[42]

7. The French Revolution

Conservatism was born in bitter reaction against the French Revolution. From that day to this, all branches of conservatism unite in hostility to that Revolution, which they castigate as the precursor of the Bolshevik Revolution and of the other totalitarian evils of the twentieth century. The American Revolution, in contrast, was the "good" revolution because it was not really a revolution at all, but simply a conservative response to defend the *status quo* against the encroachments of the British Crown.

Ludwig von Mises, in contrast, was always a consistent admirer of the French Revolution, which he perceived as a movement inspired by the American Revolution and its libertarian ideals. He regarded himself as a man of 1789, an heir of the Enlightenment.

Thus, writing after World War I, Mises asserted that "for us and for humanity there is only one salvation: return to the rationalistic liberalism of the ideas of 1789."[43] In contrast, in the "League of Nations of Versailles the ideas of 1914 are in truth triumphing over those of 1789."[44]

8. Conclusion: the Historical Mises

The purpose of this paper, in the light of the recent Mises centennial year, is to rescue the real, "historical" Mises from the image which has been generally formed of him and has been adopted by the bulk of his followers. This is the non-threatening image of Mises as a quintessential *National Review* conservative. But we find that, particularly in the years before his American "exile," Mises was virtually the diametric opposite of a modern conservative. These views were not stressed during his later American period, but neither were they repudiated. Discussion of them more or less dropped out of Misesian writings. But to ignore the earlier Mises is to ignore a basic theme of his thought, for his thought forms a remarkably consistent whole over the decades of his long and active life.

We find, then, a Mises with the following strongly held political views: a proclaimed pacifist, who trenchantly attacked war and national chauvin-

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ism; a bitter critic of Western imperialism and colonialism; a believer in non-intervention with regard to Soviet Russia; a strong proponent of national self-determination, not only for national groups, but for subgroups down to the village level—and in theory, at least, down to the right of individual secession, which approaches anarchism; someone so hostile to immigration restrictions that he almost endorsed war against such countries as the United States and Australia to force them to open up their borders; a believer in the importance of class conflict in relation to the State; a caustic rationalist critic of Christianity and of all religion; and an admirer of the French Revolution.

Whatever these views were, they were most emphatically *not* conservatism. On the contrary, they were something very different and in age-old conflict with conservatism. Ludwig von Mises was truly and proudly an heir of early-nineteenth-century *laissez-faire* radicalism, of Bentham, of James Mill, Cobden, and Spencer. He was a rationalist and a libertarian.

NOTES

1. "The goal of the domestic policy of liberalism is the same as that of its foreign policy: peace. It aims at peaceful cooperation just as much between nations as within each nation.... The ultimate ideal envisioned by liberalism is the perfect cooperation of all mankind.... Liberal thinking always has the whole of humanity in view and not just parts.... Its thinking is cosmopolitan and ecumenical: it takes in all men and the whole world. Liberalism is, in this sense, humanism; and the liberal, a citizen of the world, a cosmopolite" (Ludwig von Mises, *Liberalism: A Socio-Economic Exposition* [1927; 2nd ed., Kansas City: Sheed, Andrews and McMeel, 1978], pp. 105–106).
2. Mises, "Nation, State, and Economy: Contributions to the Politics and History of Our Time," translation by Leland Yeager, of *Nation, Staat und Wirtschaft* (1919), p. 91, (Humanities Press, forthcoming).
3. Herbert Marcuse, in an attempt to smear classical liberalism with the brush of fascism and advocacy of war, engaged in a shameful distortion of Mises by wrenching a passage of *Liberalism* out of context in attempting to make Mises seem to be pro-fascist. If the context is examined, Mises engages in a fervent critique of fascism for its anti-liberalism and for its attempt to suppress ideas by violence. As for its foreign policy, fascism's glorification of force "cannot fail to give rise to an endless series of wars that must destroy all of modern civilization...." Mises' one sentence of approval of fascism was for its allegedly saving Italy from Bolshevism after World War I. Also disgraceful is Marcuse's total neglect of Mises' later *Omnipotent Government*, virtually a sustained philippic against Nazism and fascism.

   Marcuse's besmirching of Mises can be found in his *Negations* (Boston: Beacon Press, 1968), pp. 9–10. The passage from Mises (not footnoted by Marcuse) can be found in *Liberalism,* p. 51, and the full context of Mises' views on fascism in *ibid.,* pp. 47–51. Also see Mises, *Omnipotent Government* (New Haven, Conn.: Yale University Press, 1944).
4. Mises, *Liberalism,* pp. 123–24.
5. *Ibid.*, p. 125.
6. *Ibid.*
7. *Ibid.*, p. 126.
8. *Ibid.*, p. 127.
9. Mises, "Nation, State and Economy," pp. 34–35.
10. *Ibid.*, p. 8.
11. Mises, *Liberalism,* p. 109. Mises adds that it therefore grossly violates true self-determination for one nation-state to try to incorporate citizens of other territories against their con-

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sent, and simply because of their ethnic or linguistic ties. In particular, he mentions the demand of the Italian Fascists to incorporate Italian-speaking Swiss cantons into Italy, and the Pan-German wishes to incorporate German Swiss cantons. *Ibid.*

12. *Ibid.*, p. 109.
13. *Ibid.*, pp. 109–110.
14. Mises, "Nation, State and Economy," p. 41.
15. Mises, *Liberalism,* p. 153.
16. *Ibid.*, pp. 153–54.
17. Mises, *Omnipotent Government,* p. 264.
18. Mises, *Liberalism,* pp. 141–42.
19. Mises, "Nation, State and Economy," p. 192n.
20. *Ibid.*, p. 97.
21. Mises, "The Freedom to Move as an International Problem," trans. Bettina Bien Greaves from "Freizügigkeit als internationales Problem" (1935), in *The Clash of Group Interests and Other Essays* (New York: Center for Libertarian Studies, 1978), pp. 19–22.
22. *Ibid.*, p. 20.
23. *Ibid.*
24. *Ibid.*, pp. 21–22.
25. *Ibid.*, p. 22.
26. See the notable article by Leonard P. Liggio, "Charles Dunoyer and French Classical Liberalism," *The Journal of Libertarian Studies* 1 (Summer 1977): 153–78.
27. The fact that Marxists say that, as a second and further step, the "capitalists" then gain control of the State, which becomes the "executive committee of the ruling class," is not enough to save their theory. For the capitalists are supposed to be a "ruling class" simply by virtue of being capitalists, and *before* their alleged takeover of the State, which is only supposed to add an extra dimension to their class rule.
28. Mises, *Socialism* (1922; 2nd ed., New Haven: Yale University Press, 1951), p. 332. Mises also points out trenchantly that Marx and Engels continually confused the concepts of class and estate, and that Marx broke off the third volume of *Capital* just when he was finally about to tackle a task he had never accomplished: a precise definition of his much-used concept of "class" (*ibid.*, pp. 328n., 332n., 336–342).
29. *Ibid.*, p. 333.
30. *Ibid.*, pp. 335–36.
31. *Ibid.*, p. 337.
32. Mises, "The Clash of Group Interests" (1945), in Mises, *Clash of Group Interests and Other Essays,* pp. 2–3, 5. In this essay, for the last time, Mises returned to his immigration theme, pointing out that, say in Australia and New Zealand, immigration laws had "integrated their whole citizenry into a privileged caste." By such immigration barriers, the workers of these countries "create those tensions which must result in war whenever those injured by such policies expect that they can brush away by violence the measures of foreign governments that are prejudicial to their own well-being" (*ibid.*, pp. 4–6).
33. Mises returned to the theme of caste vs. class in his last major work, *Theory and History* (New Haven: Yale University Press, 1957), pp. 113–16.
34. "It would . . . be a serious mistake to conclude that the sciences of human action and the policy derived from their teachings, liberalism, are antitheistic and hostile to religion. They are radically opposed to all systems of theocracy. But they are entirely neutral with regard to religious beliefs which do not pretend to interfere with the conduct of social, political, and economic affairs." And: "It is a distortion of fact to say, as many champions of religious theocracy do, that liberalism fights religion. Where the principle of church interference with secular issues is in force, the various churches, denominations and sects are fighting one another. By separating church and state, liberalism established peace between the various religious factions and gives to each of them the opportunity to preach its gospel unmolested" (Mises, *Human Action,* 3rd rev. ed. [Chicago: Henry Regnery, 1966], pp. 155, 157).
35. Mises, *Socialism,* pp. 409–29.
36. *Ibid.*, pp. 413–16.
37. *Ibid.*, pp. 419–20.

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38. *Ibid.*, pp. 420–21.
39. *Ibid.*, p. 420.
40. *Ibid.*, p. 427.
41. *Ibid.*, pp. 428–29. For an excellent discussion of Mises as *laissez-faire* radical and particularly of Mises on Christianity, see Ralph Raico, "Ludwig von Mises," *The Alternative: An American Spectator* (February 1975), pp. 21–23.
42. Mises, *Socialism,* p. 410. Also see *ibid.,* p. 428.
43. Mises, "Nation, State and Economy," p. 239.
44. *Ibid.*, p. 238.

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Liberal Traditions in Polish Political Thought

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In the beginning of the nineteenth century the terms "liberal" and "liberalism" were already well-known and popular in Eastern Europe. It is easy to comprehend that, with the nation divided by invading neighbors and without its own state, catchwords like "freedom," "tolerance," and "independence" had to be especially attractive. Everybody who wrote or spoke about progress, abolishment of absolutism, or self-determination of nations was recognized as liberal. The process of crystallization of the liberal framework was far from complete. In the first ranks of liberals were people of various ideas, for example the Russian Tsar Alexander the First, and Prince Ksawery Drucki Lubecki, who was very servile to Moscow but nevertheless supported the development of big industry in Poland. Prince Adam Czartoryski was the Tsar's friend, but a great Polish patriot as well and later the leader of the conservative camp of exiles in France. Liberalism was a term which everyone seemed to understand yet no one tried to explain in a more precise way.

It was in the circle of Polish economists that the notion of liberalism was first interpreted distinctly. In the first twenty years of the nineteenth century they presented the ideological skeleton of liberalism which made possible a more definite portrayal of the entire phenomenon. In the works of D. Krysiński, W. Surowiecki, or S. Węgrzecki we can find the main attributes of "the liberal spirit": tolerance, an attachment to progress, a prospective attitude, freedom of action, particularly liberties in competition and a free hand in economic endeavors, and an inclination to a mechanical conception of society. In the situation of the Polish nation, the idea of tolerance, explicated later as the principle of religious freedom, took first rank. Catholicism, though suppressed in the Russian and Prussian parts of the divided country, was the religion of the great majority of Poles; it unified the nation and was worthy of protection. On the other hand, Catholicism supported a conservative idea of society and demanded priority for its church. These claims led to collisions with non-Catholic minorities and was unfavorable to

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the interests of the nation. The idea of tolerance or a full freedom of faith was of the highest importance in these conditions. The liberals who supported this principle emphasized that in Poland, where even in the times of the Inquisition religious executions were unknown, the idea of tolerance should be treated as an absolute principle.

The liberals tried to argue that Poles should not only discuss the past of their powerful country, but ought to look into the future and seek ways of progressive change. The development of industry was considered the only way to enrichment and internal reinforcement of the nation. The radicals showed that economic development was conditioned by economic liberties, while the moderates agreed with free competition inside the Polish provinces but emphasized that free trade and open gates for foreign capital might hamper the development of local initiatives. Limited *laissez faire* seemed to be the best policy in these conditions.

The liberals decidedly rejected the conservative idea of "the society as organism," giving priority to the mechanical conception. W. Surowiecki wrote that "a society is like a machine, in which the turn of one wheel spreading on the other caused the common motion. One person moves another with his action, one class gives a motion to all surrounding classes."[1] It was a distinctly different view from the organic idea of society, but different also from the typical individualistic conceptions of "society as aggregate." This atomistic vision, popular in the circle of English Benthamites was too abstract for Polish liberals. They realized that in the situation of a nation fighting for independence, the slogans of "solidarity" could not be rejected. The "atomistic society" was not able to win in the political struggle.

At the end of 1815, Tsar Alexander confirmed the constitution of the Kingdom of Poland, which was part of the Great Russian Empire. The constitution was recognized as the most liberal in the world. Poles particularly expected that the organization of the legislature, consisting of two chambers, would enable them to participate in political power. The Tsar, being the Polish King, had the initiative and the right of veto on the decisions of the legislature. Both chambers could discuss governmental drafts and the reports on the situation of the country, while the lower chamber could require explanations from the ministers and lay before the Senate reports on the officials' activity. The publicity for the debates was to open the possibility of public control of the observance of law.

In a few years, however, vague expressions in the constitution opened the gates for circumventing its principles and for struggles between the representatives and the government. This quickened the process of forming a parliamentary opposition, which decided to defend the principle of rigorous observance of the liberties and rights warranted by the constitution. They were called "The Benjamites," from the name of the famous French liberal, Benjamin Constant, whose political doctrines they fully approved.[2]

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The liberalism of the Benjamites was confined to the political sphere, in which they upheld the ideas of representative government. As wealthy country gentlemen they were not interested in economic and social change. In their naivety they assumed that Russia was a legally governed country, and the Tsar a genuine liberal and defender of the law. They did not comprehend that the Polish situation was quite different from that in France and that therefore the realization of Constant's ideas was very difficult. Liberalism had no support among the large bourgeoisie, and the absolutism of the Tsar's administration, masked by liberal labels, could not be compared with the governmental power of post-revolutionary France. The doctrinaire attempts of Benjamites were suppressed quickly, and absolutism was openly declared as the ruling system in all Polish provinces.

The experiences of the Polish legislative opposition proved that liberalism not only had formidable enemies in this part of Europe but also lacked sufficient groundwork for its development. Even the emphatic adherents of this current of ideas did not see any chance for creating an independent liberal political movement. In this situation, popular liberal slogans began to penetrate neighboring ideological trends, as was typical under Polish conditions. Middle-of-the-road organizations and coteries with a consevative-liberal profile appeared. Conservatism, which formed its shape in the fire of dispute with reaction on the right-wing and socialism on the left, was inclined to compromise terms with liberalism. "True" conservatism, as opposed to reaction, acted on the assumptions of Edmund Burke's evolutionary conservatism. It borrowed the concept of progress, accepting, but never initiating, unavoidable changes. Progress, understood as a gradual improvement of the conditions of life, was incorporated in an organismic theory of society; and the life of this social organism remained unthreatened only by slowly emerging and unplanned regulations. This kind of progress, rather than posing a threat to conservatism, was used to illustrate "conservative wisdom." This concept of progress—"the only admissible" one to conservatives—became not a "*sensu stricto*" assumption, but a reflection of typical conservative compromise. It should not be equated with opportunism, but rather with the search for the Aristotelian "golden mean."

The conservative compromise expressed itself typically in a complex of landowners' propositions on how to solve the problem of peasants' reform, this being the crucial problem of the time. The reform was seriously discussed and, in spite of the elaborate phraseology used in the discussion, the main impulses were landowners' fears of an agrarian revolution and of socialism. This may easily be found in the writings of the leading conservative theoreticians.

Conservative anti-revolutionism acted finally upon the conception of an organism-like society and was on this point quite contrary to liberal assumptions. According to this idea, an individual was confronted with a

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set of conditions determined by the forces laying the foundations for historical development. These forces can be neither fully understood nor changed. In the organism-like society with a hierarchical structure, individuals are so interdependent on each other that they must keep to the principle of mutual solidarity. At the same time the social order and stability of hierarchy can be maintained only by a strong power. For society to be a continuing formation comprising entire generations, it must be governed by a strong power and, through that power, be protected against fall and decay.

These principles were morally sanctioned by the Catholic Church. There were mutual dependencies between the Church and conservatism. The landowners were convinced of the Catholic character and traditions of the nation and only the most progressive admitted the justness of the tolerance principle. This attitude was deepened by the fact that the Church supported conservative ideology with its own authority, providing moral sanction to its dogmas, and was concerned that divine justice be carried out through the conservative program. Thus the Church, which was naturally conservative, was provided care and protection by the conservatives. In contrast with previously mentioned liberal assumptions, only the Catholic Church participated in steering the society.

Thus, while some liberal tendencies existed in Polish conservatism, they should not be exaggerated. Conservatism remained the ideology of the rich country gentlemen who accepted only a compromise with the bourgeoisie, the weaker partner in this union. Such was the position of liberalism, transmitting only its ideas, and not pretending to an independent political position.

The special feature of the common policy appeared when conservatives presented their program of so-called "organic work," as opposed to the socialists' revolutionary program. "Organic work" was presented as the only means by which the longed-for restoration of the state could be attained. It was a program of progressive internal change, but it was criticized by the left-wing currents for its dependence on the support, or at least on the toleration, of the states occupying Poland. Politically, the program led to the acceptance of the tri-loyalism principle, that is, loyalty to the three occupying powers: Prussia, Russia, and Austria-Hungary.

The forces of "organic work" had never been homogeneous, but it was at the beginning of the 1870's that a distinct split became evident. The new movement, attracting the young Warsaw intellectuals, separated emphatically from all conservative concepts of "organic work." Developing under the overwhelming influence of contemporary European trends, the new movement was called "Warsaw Positivism." It presented the idea of gradual change improving the well-being of the nation, and rejected conservative opportunism and the preservative idea of social structure. The young positivists' forward-looking attitude was authentic in that they believed that man was able to participate in the process of creating the surrounding

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reality and were truly engaged in the struggle for progress.[3] The conservatives, being in accord with Burke's principles, agreed "to change, not to lose the chance for preservation." They wanted all along to renovate "the building" so as not to have to construct it from the beginning. The positivists wanted to improve the system not only because of the danger of collapse, but also because they wished to live more and more comfortably. They agreed to conserve "the foundations" in order to modify the front and the structure of "the building."

This view of the best conditions for progress was consistent with the "formulas" of West European liberalism. In accordance with Mill and Spencer, who were quoted most frequently, the best warrant was seen in the best possible protection of freedom. The positivists discussed primarily freedom of scientific research, complete freedom of opinion, and tolerance for all ideas and intellectual movements. They repeated Mill's thesis that human genius was able to breathe only in the atmosphere of freedom.

The influence of the positivist movement was hampered at the end of the century by new currents of political ideas. New players appeared in the arena of political struggles. Nationalists, socialists, and peasant movements were taking the places previously occupied by conservatives and liberals. They presented more popular variants of independence programs, which were important in this time of new struggles for a Polish state, and were at last successful thanks to the events of the first world war.

There was no climate for the development of "the liberal spirit" in the new Poland at the beginning of the interwar period. Prevailing opinion tried to prove that the new and growing state required a strong centralized government. Only Cracow's old conservative center raised once more the liberal banner. It was out of the conservative club of Cracow that a new "neoliberal" economic society appeared. The main founder of this group was A. Krzyzanowski, the famous Polish economist who already at the beginning of the century predicted the serious economic recession of the Western world.[4] Up to the end of the thirties, the neoliberals tried to fight against protectionism and attempts at State control of industries. They argued that the government could not take an individual's place in his economic endeavors. Everyone had to look to himself for ways to prosperity. The state could only help the able people to achieve success. However, in spite of the intellectual significance of the neoliberal movement, its political role was not very important.

There was also no atmosphere for liberalism in the period after World War II. A current of ideas related to conservatism could not expect support in a socialist country. Even research into these problems encountered some difficulties. The socialist state eagerly covered the costs of and supported studies on leftist currents of ideas, neglecting research into middle-of-the-road and rightist ones. This situation not only caused considerable gaps of knowledge and limited the general view of the whole range of ideological

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currents, but also deformed, in a significant manner, knowledge of past and current leftist movements. It was also characteristic that this poor state of knowledge did not conduce to an interest in social affairs, particularly in student circles and in academia. When, in the fifties, studies on Polish liberalism were taken up, it was clear that they could not succeed without grinding out what liberalism really was. An infiltration of liberal ideas into conservative ideology led to a very broad interpretation of the controversial term. All the representatives of rightist and middle-of-the-road movements, from reactionaries up to adherents of *laissez faire,* were called "liberals." All discussions of liberalism in this situation were necessarily dull and led to no conclusions.

It should be emphasized that this tendency was strengthened by attempts to apply Lenin's definition of liberalism to the Polish variant of this phenomenon. According to this idea, liberalism was the attitude towards the political and social problems of the nation assumed within the limits of the compromise between the landed aristocracy and bourgeoisie. This definition might be correct where two equal partners—the great bourgeoisie and the landowners—are fighting for their position. Such a compromise could create conditions not only for the spread of liberal phraseology but also for a fully developed liberal ideology. The situation in Poland, however, was quite different. The bourgeoisie was not an equal partner; its position was weaker. Weaker also, therefore, was the chance for liberalism to become the official ideology of the "alliance" mentioned above. Conservatism remained the predominant movement and trend of ideas in nineteenth-century Poland. Although liberalism had its own representatives and infiltrated neighboring currents, it had never gained primacy in Poland.

In the 1970's the situation changed a little and the author of this article, along with other scholars, tried again to prove that liberalism was not as "guilty" as reaction or other variants of traditionalism, and that it deserved particular attention. At the same time, the first marks of growing interest in rightist currents of ideas in general could be noticed, and this stimulated the intention to "revisit" liberalism once more. After the publication of L. Kasprzyk's 1961 book, *The Social and Political Ideas of H. Spencer,* many dissertations and doctoral theses devoted to the representatives of French and English liberalism were prepared in Cracow's university circle. Some of them, such as the book of the author of this article—co-authored with J. Woleński—on Mill, and that of B. Sobolewska on the ideas of French aristocratic liberals in the nineteenth century, were published at the end of the seventies and beginning of the eighties.[5] The Institute of Political Science in the Jagiellonian University in Cracow also prepared the first attempt in Poland to synthesize liberal ideas.[6] W. Sadurski engaged in research on neoliberalism. In the late seventies he published many articles and in 1980 a monograph devoted to this theme.

Utilizing an opportunity, the present author presented once more the

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problems of Polish liberals of the previous century. In 1976 he published his *Conservatism of the Kingdom of Poland,* and four years later *Essays on the Galician Political Movement and Ideas: 1848–1892,* both devoted to the relations between Polish liberals and conservatives in the nineteenth century. His other book, *Polish Political Thought in the XIXth Century,* showing these problems on a broader background of other political trends, is in press at this time.

However, many other studies undertaken in the last few years will not be completed in the near future. Shortages of paper and the financial troubles of Polish editors have already hampered the preparation and publication of these studies. A paradoxical situation has appeared. Our research problem, neglected and incorrectly presented in the post-war period, met at last the great interest of readers and scientific centers. There also appeared groups of scholars well prepared to undertake profound studies. The necessary relations with foreign centers were established and many dissertations awaiting print were prepared. The lack of publishing facilities, however, delays the presentation of these studies to the Polish reader. The gap in research, therefore, may not be filled, and adequate information on the history and current filiations of one of the most significant trends of thought may be lacking in Polish political culture for some time to come.

NOTES

1. W. Surowiecki, *O upadku przemyslu i miast w Polsce* (Warsaw, 1810), p. 31.
2. They were also called "The Kaliszans" from the name of the town where the main leaders of the group—Wincenty and Bonawentura Niemojowski—resided.
3. The main representatives of this current were: A. Świętochowski, B. Prus, P. Chmielowski, J. Ochorowicz, K. Kraushar, W. Smoleński. They were centered around the *Przegląd Tygodniowy* (The Weekly Review) and other positivistic journals like: *Niwa, Ateneum, Nowiny,* and *Prawda.*
4. The other particularly active members of the society were: F. Zweig, A. Heydel, T. Lulek, S. Wyrobisz, and S. Schmidt.
5. R. Ludwikowski and J. Woleński, *J. S. Mill* (Warsaw, 1979); B. Sobolewska, *Doktryna polityczna liberalizmu arystokratycznego we Francji w latach 1814–1848* (Cracow, 1977). In 1978 Maria Zmierczak published her *Ideologia liberalna w II cesarstwie francuskim,* (Poznań).
6. M. Sobolewski and B. Sobolewska, *Liberalism* (Warsaw, 1978).

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Gustave de Molinari and the Anti-statist Liberal Tradition* Part I

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The Intellectual Origins of Liberal Anti-statism

1. Edmund Burke, William Godwin and Benjamin Constant

The origins of liberal anti-statism go back at least to the radical dissent of the Levellers in the English Revolution of the seventeenth century. Their efforts to defend themselves against the power of the state, which wanted to control or prohibit their religious practices, resulted in some of the earliest liberal defenses of property rights and the natural right of the individual to enjoy his liberty. One of the most thoroughgoing statements of the Leveller defense of natural rights in property and liberty is Richard Overton's "An Arrow 'Against All Tyrants," written from prison in 1646. In this tract, Overton was able to abstract the principles of natural rights from the more general question of religious liberty and was thus able to develop a secular theory of rights as a basis for political rights. He began his pamphlet with the following paragraph:

> To every individuall in nature is given an individuall property by nature, not to be invaded or usurped by any: for every one as he is himselfe, so he hath a selfe propriety, else could he not be himselfe, and on this no second may presume to deprive any of, without manifest violation and affront to the very principles of nature, and of the Rules of equity and Justice between man and man; mine and thine cannot be, except this be: No man hath power over my rights and liberties, and I over no man's; I may be but an Individuall, enjoy my selfe and my selfe propriety, and may write my selfe no more [than] my selfe, or presume any further; if I doe, I am an encroacher and an invader upon another

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> man's Right, to which I have no Right. For by naturall birth, all men are equally and alike borne to like propriety, liberty and freedome, and as we are delivered of God by the hand of nature into this world, every one with a naturall, innate freedome and propriety (as it were writ in the table of every man's heart, never to be obliterated) even so are we to live, every one equally and alike to enjoy his Birthright and privilege; even all whereof God by nature hath made him free.[1]

However, it was not until the eighteenth century that these liberal ideas of liberty and property were developed into a more comprehensive theory of the state. The young Edmund Burke, for example, in his *Vindication of Natural Society* written in 1756, extended the religious dissenter's criticism of "artificial," imposed religion to the institutions of government.[2] In what is probably the first individualist, liberal anarchist tract ever written, Burke condemned all forms of political society for being the main cause of war, suffering and misfortune.[3]

Making a distinction common to many anti-statist liberals, Burke divided society into two types. Natural society, "founded in natural appetites and instincts, and not in any positive institution," was not based on force and allowed individuals to freely exercise their God-given natural rights as their individual consciences directed. Artificial or political society, on the other hand, was based on the imposition of "artificial" laws and regulations, thus usurping the proper function of the individual to determine his own peaceful behavior.[4] Immediately, conflict arises from the division of society into two classes, the governed and the governors, the latter seeking to increase its power and wealth at the expense of the former. After cataloguing the political history of the world, a "history dyed in blood, and blotted and confounded by tumults, rebellions, massacres, assassinations, proscriptions,"[5] Burke squarely places the blame on political society of whatever kind.[6] He accused all states of being essentially the same, in that they are based on force and exist for the benefit of those privileged minorities who are powerful or influential enough to control them. He wrote:

> we have shown them [the three simple forms of artificial society: democracy, monarchy and aristocracy], however they may differ in name or in some slight circumstances, to be all alike in effect; in effect to be all tyrannies.... In vain you tell me that artificial government is good, but that I fall out only with the abuse. The thing! the thing itself is the abuse![7]

Burke recognized that even in "natural society" there would still exist the need for the protection of life, liberty and property because "[it] was observed that men had ungovernable passions, which made it necessary to guard against the violence they might offer to each other."[8] As Molinari was to argue later,[9] the "grand error"[10] that men made in attempting to solve this problem of how to protect themselves from aggression was to establish

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or accept a monopoly government with the powers to provide this service. Men now found themselves worse off than when they were without the state[11] because they now faced a nationally organized engine of oppression, whereas before they had faced only disorganized bandits or, at most, local feudal lords and their mercenaries. The perennial problem arose of who was to guard against the guardians.[12]

Burke's failure was in not being able to provide a positive view of the form his "natural society" would take. He limited himself to a brilliant criticism of the basis of all political institutions from a natural rights' perspective and did not elaborate on "natural society" save for the assertion that "[in] a state of nature it is an inevitable law that a man's acquisitions are in proportion to his labours"[13] and that each individual would have the right to defend his person and property as he saw fit.[14] Burke did not have the tools at hand which were necessary to explain how an anarchist[15] society would function. He lacked the Smithian free-market economics that Molinari later used to explain how society could provide itself with defense services without resorting to the coercive monopoly of the state.

A similar problem was faced by William Godwin. Like Burke, he defended individualism and the right to property,[16] drawing considerably, in fact, from Burke's *Vindication* for his criticism of the state,[17] and he concluded that the state was an evil which had to be reduced in power if not eliminated completely.

> Above all we should not forget that government is, abstractly taken, an evil, an usurpation upon the private judgement and individual conscience of mankind; and that, however, we may be obliged to admit it as a necessary evil for the present, it behoves us, as the friends of reason and the human species, to admit as little of it as possible, and carefully to observe, whether, in the consequence of the gradual elimination of the human mind, that little may not hereafter be diminished.[18]

Godwin looked forward to the day when the entire state could be done away with completely.

> With what delight must every well-informed friend of mankind look forward to the auspicious period, the dissolution of political government, of that brute engine which has been the only perennial cause of the vices of mankind, and which, as has abundantly appeared in the present work, has mischiefs of various sorts incorporated with its substance, and no otherwise removable than by its utter annihilation![19]

But he still faced the difficult problem of adequately explaining how the stateless society which he envisioned could work in practice. Godwin's stateless society presupposed a sudden change in the behavior of the individuals comprising that society. He was convinced of the essential goodness of uncorrupted men and believed that when political institutions disappeared men would become "reasonable and virtuous."

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> Simplify the social system in the manner which every motive but those of usurpation and ambition powerfully recommends; render the plain dictates of justice level to every capacity; remove the necessity of implicit faith; and we may expect the whole species to become reasonable and virtuous.[20]

Godwin's solution to the problem of aggression involved the use of juries which would act as advisory bodies in "adjusting controversies." These juries would reason with the offender, urging him to forsake his errors, and if this failed, could subject the offender to the criticism and ostracism of his peers.[21] But it is difficult to see how these juries could exercise this function without using force to capture criminals and, as Molinari was at pains to argue in *Les Soirées de la rue Saint-Lazare,* how they could recompense the victims for any losses caused by the crime. Godwin's unreasonable optimism about the unaggressive nature of man in a stateless society unfortunately was common to many other anarchists, especially communist anarchist thinkers of the nineteenth and twentieth centuries.[22]

It is quite probable that Molinari was well aware of William Godwin's and, through him, Edmund Burke's anti-statism. Godwin's ideas were brought to France by Benjamin Constant among others. Constant had studied at the University of Edinburgh from 1783 to 1784 and was aware of English political thinking of this entire period. He corresponded with Godwin in 1795 and 1796 and expressed his desire to translate Godwin's *Enquiry Concerning Political Justice* into French. Godwin had even sent a copy to the French National Convention via John Fenwick on February 15, 1793, and his novel, *Caleb Williams,* had been reviewed in *La Décade* in January, 1796. In 1799, Constant announced his forthcoming translation of the *Enquiry* but it never appeared due to the "political events then and in the future" which "caused the indefinite postponement of its publication."[23] However, Constant was able to popularize many of Godwin's anti-statist ideas through his writings and his speeches at the Tribunate. Only with the publication of Constant's *Oeuvres manuscrites de 1810* did 576 pages of translation appear, along with an essay on Godwin and his ideas.[24] Constant was influenced by Godwin to reject state intervention and coercion and to support all forms of voluntary and peaceful activity and he, in turn, influenced many of the *laissez-faire* liberals who worked with and influenced Molinari.[25]

2. *Adam Smith and Jean-Baptiste Say*

The other major intellectual current that influenced the anti-statism of the French *laissez-faire* liberals, and Molinari in particular, was the economic ideas of Adam Smith and Jean-Baptiste Say. Both these theorists described how society would operate in the absence of government control and intervention in the economy. Smith argued that government intervention was immoral, because it violated individuals' natural rights to property,

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and that it was generally inefficient. The selfish actions of individuals in the unhampered market promoted the general interest in spite of having no explicit intention of doing so:

> every individual necessarily labours to render the annual revenue of the society as great as he can. He generally, indeed, neither intends to promote the public interest, nor knows how much he is promoting it...and by directing that industry in such a manner as its produce may be of the greatest value, he intends only his own gain, and he is in this, as in many other cases, led by an invisible hand to promote an end which was no part of his intention. Nor is it always the worse for the society that it was no part of it. By pursuing his own interest he frequently promotes that of society more effectively than when he really intends to promote it.[26]

In the stateless economy "the simple system of natural liberty" would prevail and this "spontaneous order"[27] of the market, rather than the imposed order of the state, would maximize wealth and ensure the uninterrupted use of each individual's justly acquired (whether by first use or by peaceful exchange) property. Thus:

> All systems of preference or restraint therefore being completely taken away, the obvious and simple system of natural liberty establishes itself of its own accord. Every man, as long as he does not violate the laws of justice, is left perfectly free to pursue his own interest his own way, and to bring both his industry and capital into competition with those of any other man, or order of men. The sovereign is completely discharged from a duty, in the attempting to perform which he must always be exposed to innumerable delusions, and for the proper performance of which no human wisdom or knowledge could ever be sufficient; the duty of superintending the industry of private people, and of directing it towards the employments most suitable to the interest of the society.[28]

Molinari was to use Smith's two concepts—the spontaneous order of the market and the system of natural liberty—to build his theory of extreme liberal anti-statism.

Jean-Baptiste Say popularized and extended Smith's ideas of the free market. He defended the right to property more rigorously than Smith and his conclusions had a greater influence on the anti-statism of Molinari. Say considered any barrier to the free use or abuse of property a violation of the individual's rights.[29] He condemned slavery and military conscription[30] and argued against taxes for the same reasons,[31] especially if they were in excess of the "minimum" necessary to protect the public. In that case

> it would be difficult indeed not to view this excess as a theft, a gratuitous sacrifice seized from individuals by force. I say "seized by force" even under representative governments, because even their authority may be so great as to brook no refusal.[32]

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To a liberal like Say, force could never legitimize the activity of the state, even in so important a matter as taxation. Say, like Molinari, went to great pains to denounce the use of force in all human affairs, especially when used by the state or the privileged political classes.[33] The state was nothing more than a tool used by the politically privileged to maintain an "artificial order" which "endures only through force, and which can never be reestablished without injustice and violence."[34] It was because the state was an artificial body that it had to be limited in scope as much as possible. Say concluded that it must "never meddle in production" and, as a general principle, "[if] government intervention is an evil, a good government makes itself as unobtrusive as possible" because government "can unfortunately always rely upon the negligence, incompetence and odious condescensions of its own agents."[35]

The greatest enemies of the *laissez-faire* liberals were the monopolies, whether granted to privileged individuals or exercised by the state itself. Consistent with his defense of property rights and his general disdain for the state, Say made an initial attack on all government monopolies which Molinari was later to develop into his theory of free-market anarchism. Say argued:

> The government violates the property of each in his own person and faculties when it monopolizes certain professions such as those of bankers and brokers and sells to privileged elites these exclusive rights. It violates property even more seriously when, under the pretext of public security or simply that of the security of the state, it prevents a man from traveling or authorizes an officer or commissioner of police or judge to arrest him, so that no man is ever completely certain of the disposition of his time and faculties or of his ability to complete any enterprise. Could the public safety be any more effectively threatened by a criminal whom everyone is against and who is always so quickly caught?[36]

Not only was monopoly a violation of individual property rights but it was also inefficient. No central authority could know the needs of all consumers because this information was dispersed throughout the economy.[37]

Say even made a tentative step towards Molinari's anarchism when he suggested that public services should be made competitive by having their coercive monopoly destroyed. His scheme was to "open all public services to free competition" in order to make them as cheap and efficient as other industries whose activities were regulated by the market.

> While recognizing the extreme difficulty involved in allowing the payment of public services to be regulated by the same principle of free competition which presides over the majority of all other social transactions, we must agree that the more this principle is applied to the administration of States, the better managed will be their interests.[38]

Like Molinari, Say quotes the important passage from Smith's *Wealth of*

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Nations which argues that the reason justice was so cheap in England was that the separate courts competed for clients by offering them the speediest service at the lowest price.[39] As a principle of justice, Say argued that those who consume a good or service should be the ones to pay for it.[40] When the production of security is monopolized by the state, the purchaser's rights are violated because the range of choice has been artificially limited and he thus is forced to pay a monopoly price. The excess of the monopoly price over the "necessary" or free-market price is equivalent to the theft of that amount of property from the consumer.[41] To overcome this problem, Say proposed to follow Smith's example in *Wealth of Nations* and allow competition in the pricing of court services. Each litigant would be free to choose the court and judge that best suited him. Fees would be made up of three components: a levy set by the province, a premium paid to the particular judge, and an honorarium proportional to the "values under litigation" which would be payable after the judgment had been given. In some cases, for example in criminal trials, the costs would be borne by the losing party.[42]

Anticipating Molinari by some twenty years, Say argued that only the competition provided by the free market could give the consumers of security a service that was "prompt, equitable and of reasonable cost." The market would encourage the courts and the judges to recognize the interests of the consumers since it would be their voluntary patronage that paid their salaries. In order to attract as many clients to their court as they could, the judges would be

> interested in being honest in order to garner a wide reputation for equity and be frequently called to sit in judgment. They would be motivated to end trials promptly in order to expedite the greatest number. Finally, the cost of litigation would not be out of proportion to the interests in question and there would be no useless costs.[43]

Molinari later added considerably to Say's early formulation of free-market anarchism by introducing the idea of paying for police services and protection by contracting individually with insurance companies. He was even to argue that national defense could be better supplied by competing companies on the free market and that small proprietary communities would gradually replace the leviathan state. It was with Molinari that the two different currents of anarchist thought converged: he combined the political anarchism of Burke and Godwin with the nascent economic anarchism of Adam Smith and Say to create a new form of anarchism that has been variously described as individualist anarchism, anarcho-capitalism, or free-market anarchism.

3. *The Ideologues: Charles Comte and Charles Dunoyer*

Both Comte and Dunoyer were influenced by the economic liberalism of Say. Together with Saint-Simon they developed the doctrine of *Industriel-*

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isme based on their class analysis of society in which the warrior class, with political privilege, and the industrial class, the result of the unhampered market, were in constant conflict. In their economic theories Comte and Dunoyer argued that the market, with all the voluntary exchanges that took place in it, was the antithesis of force. Thus the market, identified with society, was completely separate from the state and antagonistic towards it. As the historian Albert Schatz argued:

> Liberalism thus tends to create a fundamental antagonism between the individual and the State—an antagonism which does not exist in classical doctrine, one which views the individual and the State as two forces inversely proportional to one another. Consequently, there is a tendency in liberalism, at first potential, later active, to strip the State of any role in the economy. We will see this originate in Dunoyer's extension of classical doctrine and later result in a more or less disguised form of anarchism.[44]

There can be no question about the implicit anarchism of Comte's and Dunoyer's liberalism. Dunoyer, for example, thought that in the future the state would merely be an appendage of the market and would gradually wither and die as the market expanded.[45] Perfection would be reached when "everyone works and no one governs,"[46] and "the maintenance of public safety would no longer demand the intervention of a permanent, special force, the government to this extent disappears."[47] A colleague and fellow liberal, Augustin Thierry, echoed Dunoyer's sentiments when he wrote that "it was in losing their powers that the actions of governments [have] ameliorate[d]" and that, if given a choice between an oppressive state apparatus and "anarchy," he believed that "the excesses of the police are far more fatal than the absence of the police."[48] In Comte's words: "the less [government] makes itself felt, the more the people prosper."[49]

The anarchism of Comte and Dunoyer was dependent on their view of the evolution of societies. Like Molinari, they believed that "as we become more civilized, there is less need for police and courts."[50] The advance of *industrielisme* would dissolve the state until there was complete freedom to trade and move across national borders.

> These monstrous aggregations were formed and made necessary by the spirit of domination. The spirit of industry will dissolve them. One of its last, greatest and most salutary effects will be to municipalize the world....centers of actions will multiply and ultimately the vastest regions will contain but a single people composed of an infinite number of homogeneous groups bound together without confusion and without violence by the most complex and simplest of ties, the most peaceful and the most profitable of relationships.[51]

J. L. Talmon described the final stage of this gradual evolution of the industrial society of the liberals as a community where

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> among themselves they would settle matters by way of contract, warranted by their own corporations and their laws and customs. Since the feudal-military-clerical State was in no position to render real assistance, but only to do harm, or worse—to extort ransom, the industrial classes developed almost a religion of non-interference by the State. Liberty became identified with the absence of government, individual freedom with isolationism. The experience of feudal-clerical rule was universalised into a philosophy teaching that *government as such is a natural enemy.*[52] (Emphasis added)

Comte and Dunoyer contributed to the *Journal des Économistes* (Dunoyer was in fact one of the founders of the *Société d'Économie Politique* in 1842), so the writings of these two theorists were well known in free-trade liberal circles.[53] Molinari acknowledged his debt to Comte in the *Dictionnaire* biography and admitted that he owed his insights into the application of economic analysis of state functions to Dunoyer.[54] A closer examination of Molinari's views will show how he adapted the insights of the political and economic anarchists to forge a new and ultimately more devastating critique of the state and its coercive monopolization of the production of security.

The above summary has attempted to show that Molinari was working within a tradition of liberal anti-statism that stretched back at least as far as the seventeenth century. The influence of Molinari's anti-statist ideas will be briefly examined in the discussion of the influence of Molinari's ideas, where it will be argued that a continuous thread of liberal anti-statist thought has existed until the present day, largely due to the pioneering work of Gustave de Molinari.[55]

Gustave de Molinari (1819–1912)

> Man appropriates to himself the sum total of elements and powers, both physical and moral, which make up his being. This appropriation is the result of an effort in discovering and recognizing these elements and powers and in their application for the satisfaction of his needs, in other words their *utilization*. This is self-ownership. Man appropriates and possesses himself. He also appropriates, by another effort in discovering and occupying, transforming and adapting, the earth, the material and powers of his immediate surroundings, as much as they can be appropriated. This is real and personal property. Man continually acts, under the impetus of his self-interest, to conserve and increase these elements and agents which he has appropriated in his person and in his immediate surroundings and which constitute *values*. He fashions them, transforms them, modifies them or exchanges them at will, as he deems it beneficial. This is liberty. Property and liberty are the two factors or components of sovereignty.
>
> What is the self-interest of the individual? It is to have absolute ownership of his person and the things that he has appropriated outside of his person, and to be able to dispose of them as he wishes. It is to be

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> able to work alone or to freely combine his powers and other property, either wholly or in part, with that of others. It is to be able to exchange the products that he gets from the use of his private property, whether personal or real, or even to consume or conserve them. In one word, it is to possess in all its fullness "individual sovereignty."
>
> Molinari[56]

1. *Early Years in Paris: Free Trade and Revolution.*

> Of medium height, with abundant hair, short-sighted, but able to read without spectacles, wearing a moustache and *impériale,* with only a slight hardness of hearing, he [G. de Molinari] remained until quite lately physically fit and intellectually vigorous to such an extent as to excite the admiration of all who saw him. Struck down by hemiplegia, he had retained all his lucidity of mind, and when death sought him out, he was still pondering over the great questions which had filled his life, and their relations to contemporaneous events.[57]

With these words, a close friend and colleague marked the end of Gustave de Molinari's long and active life as a political economist, a life which had coincided with a broad and eventful period in French history from the constitutional monarchy of Louis Philippe to the mid-years of the Third Republic. Yet Molinari was not French by birth, for he was the son of Baron de Molinari, a former *officier supérieur* in Napoleon's Empire, who had subsequently settled in Liège as a physician. From the time of his birth on March 3, 1819, until he left Belgium for Paris in 1840, little is known of Molinari's life and upbringing. Like many others who wished to follow a *carrière de lettres,* he was attracted to Paris, the political and cultural center of the French-speaking world. As he hoped to establish himself in journalism, particularly in the new field of "economic propagandism," it is possible that he became associated with the *Société d'Économie Politique* which had been established in 1842 and included in its membership some of the most active political economists in France. Like Michel Chevalier, who had already established himself as a political economist as Rossi's successor at the *Collège de France* in 1840,[58] Molinari took an early interest in the effect of railways on the industrialization which Europe was undergoing, and his first published essay dealt with that question.[59] In 1846 he became involved in the *Association pour la liberté des échanges* following a meeting of distinguished liberals in Paris at which he was invited to join the board of the newly formed association and be the *secrétaire adjoint.* Indeed, it is likely that Molinari had helped found the Paris free-trade association as it was only the second of its kind in France after Bordeaux. In addition, he became one of the editors of the association's journal, *Libre-Échange.*

In the mid-1840's, Molinari became increasingly active in the free-trade press in Paris, defending his ideas in the *Courrier français* (1846–47), the *Revue nouvelle, Commerce* (1848), the *Journal des Économistes* (of which

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he became an editor in 1847), and *La Patrie* (1849–51). He also published the first of his many books on economic and political themes. In 1846 appeared his *Études économiques: sur l'Organisation de la Liberté industrielle et l'abolition de l'esclavage* and, in the following year, the *Histoire du tarif: I. Les fers et les huiles; II. Les céréales.*[60] In 1848, he was commissioned to edit and annotate volume two of the *Mélanges d'Économie politique* in the *Collection des Principaux Économistes.* Molinari's most famous work appeared in 1849, *Les Soirées de la rue Saint-Lazare, entretiens sur les lois économiques et défense de la propriété,* in which he pushed to its ultimate limits his opposition to all state invervention in the economy. Arguing that the market could better satisfy the public's need for security than could the compulsory monopoly of the state, Molinari became the most consistent of the French free-trade liberal school, with his insistence that all spheres of human activity could be described and explained by economic law.

Molinari continued his argument in the October 1849 issue of the *Journal des Économistes* in the essay "De la Production de la Sécurité" which sparked a lively debate in the *Société d'Économie Politique.* Although his colleagues could not agree with his foray into economic anarchism, Molinari continued to elaborate his thesis on free-market security for fifty years until old age and pessimism overtook him. Nevertheless, Molinari must be credited with being the first person to solve the anti-statists' problem of how to explain the functioning of a fully free society. Previously, anarchist or near-anarchist theorists had preferred to leave unexplained how their utopia would operate. They had simply asserted that the future society would not require a police force since mankind would no longer need protection; either there would no longer be property to steal or men would no longer want to steal, for public pressure would deter the criminal. Molinari was the first "free market proprietary anarchist"[61] who, working within the tradition of Adam Smith and the early nineteenth-century French liberals Constant, Say, Comte and Dunoyer, combined anti-statism with the political economist's understanding of the market and how it operated to satisfy the needs of consumers.

During the 1848 revolution, Molinari had been active in trying to counter the propaganda of the socialists and the "conservatives of the status quo." He and some other "friends of economic freedom" had started the *Club de la liberté du travail* for that very purpose but failed because the provisional government did not or would not protect their right of freedom of association. The club was "invaded and dissolved by a mob of communists" and the members, not wishing to use violence, were dispersed by the crowd.[62] After failing to get Charles Coquelin elected to the Constituent Assembly of April 1848, and after the collapse of their short-lived "popular journal," *Jacques Bonhomme* (edited by Molinari and Coquelin), the five "friends of liberty," Bastiat, Coquelin, Fonteyraud, Garnier and Molinari, could do little more in such an inhospitable climate.

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The club and the magazine were not the only casualties of the revolution. The *Association pour la liberté des échanges* was dissolved in April or May of 1848, because "the association finally despaired of making itself heard amidst the political tumult" and the events of the revolution had dispersed the principal members so that they could no longer meet.[63] Soon afterwards, three of the five "friends" died. Fonteyraud, "that lively and charming intellect, one of the dearest hopes of political economy" died in 1849. Bastiat, "the most able popularizer of economic truths" followed in December 1850,[64] as did Charles Coquelin, "one of the ablest pens, one of the most eloquent voices," in August 1852. Molinari summed up the period with considerable understatement when he described it as a time when "liberal doctrines were decidedly not in favor." One can imagine the disappointment that Molinari must have felt with the failure of all his attempts to popularize his free-trade liberal ideas. It must have been with a feeling of despair that Molinari ended the obituary of his friend Coquelin with the plea that "some day, when this noble cause has triumphed for the happiness of the human race" someone might remember them.[65]

Despite the fact that Bastiat had been elected to both the Constituent and Legislative Assemblies during the period 1848 to 1850 and had been appointed Acting President of the Finance Committee, the 1848 revolution was ultimately a serious setback to the free-trade liberal cause.[66] The Provisional government had been severely criticized by the *économistes*: Léon Faucher in the *Revue de Deux Mondes,* Blanqui and Wolowski at the *Conservatoire,* and Michel Chevalier in *Les Débats* and in his lectures at the *Collège de France.* The result was the resolution of April 7, 1848, which suppressed five chairs (one of which was the Chair of Political Economy held by Chevalier) and reorganized the *Collège* to remove the source of criticism.[67] This maneuver was countered by the *Société d'Économie Politique,* which sent a delegation to talk to Lamartine. Headed by Léon Faucher and comprising de Tracy, Horace Say, Dussard, Garnier, Renouard and Molinari, the delegation was able to influence the Assembly to reverse the law of April 7th, and the Chairs were reestablished by a law of December 24th.[68] It was also during the period of the provisional government that the *Club de la liberté du travail* was both begun by Garnier and then suppressed by violence. It is no wonder that the liberals felt that "socialism declared war on political economy."[69]

Another result of the 1848 revolution in France was the publication of the famous *Dictionnaire de l'économie politique* in 1852. The liberals associated with the *Jouranl des Économistes* and the *Société d'Économie Politique* were concerned that the ideas of the *économistes* were not more widely known. With the industrial revolution beginning in earnest and promising to be "far more vast and more profound than any political revolution," the government's and the working people's ignorance of the operation of the market threatened to "derail" the engine of progress. The revolution had

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proved to the *économistes* what "chasms of ignorance both people and governments have placed in the path of social progress." Because they misunderstood the market, the workers formed "coalitions, riots and revolutions to improve their lot." They had been fooled by the false claims of the utopian socialists and their actions could only lead to a worsening of their condition. The liberals felt compelled to popularize their theories to prevent this from happening and to apply pressure on governments to reform their outmoded and restrictive laws. The remnants of the old regime[70] were just as harmful as the attempts of the socialists to "remake society." Since the time of the French Revolution, wrote Molinari, the governments of Europe,

> whose resources the progress of production and credit continually increased, have decided finally that these resources are without limit and they have increased their expenditures in ever greater proportion. For half a century they have used and abused their borrowing powers. They have exhausted the blood of the living and borrowed against the resources of the unborn to satisfy their evil appetites for conquest and domination.[71]

The liberals were convinced that the teaching of the principles of political economy was more necessary then, than at any other period in history. Taking their example from the success of the English free-traders and their *Anti-Corn Law League*, the French *économistes* planned to distribute elementary treatises, catechisms, pamphlets, tracts, and journals to as many people as would listen to them.[72] In addition, societies and associations would be created to discuss the finer points of economic theory and to lobby the legislature to repeal or reform the custom and tariff laws.

The *Dictionnaire* was a valiant effort to condense the theory of political economy into a simplified encyclopaedic form which would enable the inteligent layman to apprise himself of the latest theories and publications in virtually every field of economics and politics. The *Dictionnaire* was conceived by Ambroise Clément in 1850 and continued by Charles Coquelin until his death. Guillaumin took over the project after Coquelin's death and, with the assistance of Horace Say, Courcelle-Seneuil, Molinari and Garnier, was able to complete the dictionary in 1852 after two years' preparation. This "bazaar of political economy" aimed at combining the theory of political economy with its practical application by using academics, journalists, government inspectors, industrialists and politicians as its contributors. Molinari's contribution was considerable, comprising twenty-five articles—some with considerable bibliographies—and five biographical sketches. It is likely that this was the last activity of the Paris liberal movement in which Molinari was engaged before he left for Belgium.

2. *Refuge in Belgium*

After the coup d'état of December 1851, Molinari returned to Belgium because, as Guyot put it, "The dictatorial regime...offended the liberal

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opinions of M. De Molinari."[73] There he published a small volume on revolution entitled, *Les Révolutions et le despotisme envisagés au point de vue des intérêts matériels* (1852), in which he condemned both revolution and despotism as being destructive of life and property. Molinari extended his dislike of the 1848 revolution to the French Revolution, and a theme to which he constantly returned was the massive expansion in the size and power of the state which had followed the revolution.[74] Although he associated demagogy with revolution and reaction with despotism, he did not condemn the French Revolution out of hand. He admired the "generous spirit which gave birth to it" and the "noble principles of tolerance and liberty which it proclaimed to the world."[75] But these noble principles were betrayed by the revolutionary excesses which had resulted in an increase in state power rather than its much needed reduction which liberals such as Turgot[76] had tried to achieve fully two decades before the Revolution. The inevitable result was the "scaffold at home and bayonets abroad"[77]; barbarism rather than progress.

Molinari was fortunate enough to have been appointed professor of political economy at the *Musée royal de l'industrie belge* and also at the *Institute supérieur du commerce* in Antwerp. He was thus able to escape the stifling atmosphere of Paris under Napoleon III and devoted himself to a serious study of the theory of political economy and to the propagation of those ideas through the press. The result of his lectures at the *Musée royal* was his major theoretical economic treatise, *Cours d'économie politique.* The lectures upon which this work was based had been started at the *Athénée royal de Paris* in 1847 but were interrupted by the revolution. Thanks to the intervention of Charles de Brouckere, Burgomaster of Brussels and president of the *Association belge pour la liberté des échanges*, Molinari had been able to secure the position at the *Musée royal* and complete his theoretical work by 1854.[78]

The *Cours* aimed at filling a lacuna which Molinari felt existed in the main body of political economic scholarship, viz.:

> the absence of a sufficiently clear demonstration of the general law which, by establishing a just and necessary balance among the various branches of production as well as among the various remunerations of productive agents, creates order in the economic world.[79]

The founders of the science of political economy had only to fight "the privileges of corporations and castes and the abuses of monopolies and prohibitions." By mid-century, however, the socialists' "anti-liberal and neomercantilist reaction" had turned the working classes, who would have benefited most from the "demolition of the old established regime," against the political economists, and the liberals now had to fight against the "beneficiaries of the abuses of the old regime" from above as well as the socialists from below. It was also necessary to defend the market system from the socialists' criticism that the market was "anarchic."[80] Molinari was

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to spend his life attempting to show how the market, by the operation of known natural laws, established an ORDER which was just and necessary and that any attempt to interfere created the very "anarchy" that so concerned the socialists. This "regulatory principle" worked automatically and thus did not require an overseer to direct it or tinker with it. The Revolution of 1848 had affected Molinari personally and he feared the consequences of the socialists' "futile utopian vision of social reconstruction" which would disrupt the market order and bring about the "anarchy" or chaos resulting from an imposed order and which imprisoned society in an "artificial organization."

Molinari continued to write articles and reviews for the *Journal des Économistes* (*JDE*) while in Belgium as part of his "strategy" of popularizing the ideas of political economy by means of journalism. For this reason, he began the *Économiste belge* on January 1, 1855, and remained with it until 1868. An interesting statement in the *JDE*, which often reprinted extracts from Molinari's contributions to the *Économiste belge*, reveals that he had in no way compromised his anti-statist indictment of government intervention. He described it as "abusive intervention of government into the domain of private activity." When offered a position in the Belgian branch of the *Société d'Économie Politique* he had refused because, as a commentator in the *JDE* put it,

> he feared that his name might alienate from the *Société* those who rejected the radicalism of the *Économiste belge* on the subject of government intervention; and, also, he wanted the journal and the *Société* to remain independent while lending each other mutual support.[81]

During the fifties, Molinari continued to oppose protectionism, and he published a series of popular essays on the grain trade: "Le Commerce des Grains: Dialogues entre un émeutier, un économiste et un prohibitioniste."[82] He then turned to the problem of war, a question which was to dominate his thought in the latter part of the century as the European powers drifted steadily towards some form of military confrontation. He had written a biographical sketch of the Abbé de Saint-Pierre, an eighteenth-century advocate of "Perpetual Peace," for the *Dictionnaire* and was to write a fuller biography in 1857 which included extracts on peace by Saint-Pierre, Emériс de Lacroix (Crucé), Rousseau, Necker, Kant, Bentham, de Maistre and the several Congresses of Peace.[83]

Another issue which attracted Molinari's attention was that of state education. He argued that the state had no business providing education, which could be left to private enterprise, but that it should compel parents to provide some kind of education for their children. Molinari viewed this obligation of parents as a form of debt which the state was forced to collect on behalf of the children. He was severely criticized by Frédéric Passy for letting the state get a foot in the door by admitting that the state had any role whatsoever to play in education. As far as Passy was concerned, if state

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intervention was harmful in the form of trade regulation, then it would be equally harmful in the case of education. The reason for Molinari's concession to the state, in his otherwise thoroughly anti-statist philosophy, was his concept of "tutelage," a form of benign paternalism which he reserved for those who had not yet developed the capacity to look after themselves in the rigors of a free society (children, slaves, imprudent workers, women and prisoners).[84]

3. Paris in Revolution

In 1860, Molinari returned to Paris, for reasons that are not clear, and in 1867 joined the *Journal des Débats,* becoming chief editor under the direction of M. Bapst from 1871 to 1876. Molinari was present in Paris during the siege and attended many public meetings, the proceedings of which he recorded in two volumes, *Les Clubs rouges pendant le siège de Paris* and *Le Mouvement socialiste et les réunions publiques avant le révolution du 4 septembre 1870.*[85] His aim in doing so was to show that "freedom of speech and free assembly are not so well established in France that it is superfluous to demonstrate their utility,"[86] and he defended the clubs from the charge that they had fomented the Commune by saying that they had helped maintain morale during the siege. Rather, he claimed, the suppression of the clubs and free speech had done much to bring on the Commune. "The communist insurrection was organized in secret cabals. I might add that this revolution had twice failed under the regime of unlimited free speech and assembly, and that it succeeded only after the revolutionary clubs and journals had been suppressed."[87] The government had made a terrible mistake by trying to forestall the possibility of revolution by muzzling the press and banning the clubs. Freedom of speech was a "necessary freedom" and the government had no right to prevent the expression of new ideas and any attempt to experiment with new forms of business organization. Even if the government had had the competence to determine which ideas were right and which were wrong, "it ought in the very interest of science and progress avoid using it."[88] The individual had to decide for himself whether a new idea or social organization should be adopted.

> [Intelligence] must be left unencumbered to sort through and refine things by its own unique devices, examination, discussion and experience. It must be free if it is to preserve all of its power and productivity. No domain open to it should be closed off in advance on the pretext that its researches would be in vain, that there is nothing more to be discovered or that any discoveries would not be worth the effort. Who knows? Who could know? Ultimately we must resign ourselves to the upheavals brought about by the new discoveries of intellect. It is an evil perhaps, but it is the price of progress![89]

Molinari realized that it had been the challenge of socialism which had awakened political economy out of its lethargy in 1848 and had prompted it to defend itself against socialist attacks on the rights of property, capital

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and wage labor. More importantly, it had encouraged the *économistes* to popularize their doctrines and, as a result, in the three years from 1848 to 1851 there had been "more done to popularize these doctrines than in the last fifty years."[90] But the coup d'état of 1851 had put an end to the socialists' agitation and, in spite of the fact that their intellectual opposition had been crippled, the *économistes* had not been able to "win away the followers" of the socialists. They could not "substitute their ideas for those of socialism and protectionism – which is the socialism of the great industrialists,"[91] because the *économistes* had become complacent after the forced removal of their opponents. Molinari described the period between 1851 and 1868 as

> the most sterile and vacuous period since the repression of socialist agitation. Alas! monopoly is as fatal to science as it is to industry. Competition is as necessary a stimulant to economists as it is to the spinners of wool and cotton. In a word, socialist agitation must be given free reign if the French are to learn political economy.[92]

In addition, the actions of Napoleon III's government had provided ammunition for the socialist cause by regulating industry so that new and better forms of "the organization of the production and distribution of products"[93] could not be tried, and by severely controlling workers' organizations in a clumsy effort to prevent workers from improving their conditions.

> The law on commercial organization has protected existing enterprises against the competition of new forms, while the laws on the registration of workers and against unions and "combinations" aim to control the price of labor and to render permanent the present means of recruiting labor and the present level of its remuneration. It is thought that this is the way to assure forever the security of industry and the peace and discipline of the workshop.[94]

The result of the regulation had been to achieve the direct opposite. The injustices that were frozen into the existing structure of industry were rightly criticized by the socialists, and the workers who chaffed under the regulations were ready to accept the remedies of the socialists as a viable solution. The tragedy was that, in looking for the causes of the evils, the socialists had not distinguished between industrialization and its regulation. Capital had been criticized instead of political privileges, and the wage system had been condemned along with the unjust regulations that prevented the workers from organizing peacefully to improve their conditions.

> We have provoked a violent reaction against the very organization of industry we had hoped to fortify. Inevitably, this reaction has attributed to those economic organizations protected by the law far more vices than they actually have and to other forms virtues which they do not possess. Businesses have been held responsible for all of the evils of industry and society while the organization of labor has been exalted without measure. Because the legal regulation of the relationship between

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> entrepreneurs and workers has locked in a vicious and inequitable situation, it has fomented a civil war between capital and labor in each workshop and has rendered odious the regime of salaried labor.[95]

To counter the privileges of the politically powerful and the misplaced criticism by the workers, Molinari and the free-trade liberals wanted complete freedom for all to think and act as they saw fit provided, of course, that the right of others to life, liberty and property was respected. Thus they defended the right of the socialists, their mortal intellectual enemies, to agitate, publish and organize to promote their own interests and ideas in the Clubs. Molinari clearly recognized the harmful effect of the socialists' ideas and their propensity to engage in violent action; but he felt that the benefits of allowing them the freedom to protest outweighed the possible harmful effects of their activity.

> Despite the disorders which their agitation engenders, despite the temporary damage which they cause, despite the concern which they cause the government, they ought to be left entirely free, for that is a precondition of the necessary progress of ideas and facts.[96]
>
> Excuses for limiting the press have been invoked by every government, often to defend the most hideous institutions. Without denying the disturbances caused by liberty, we declare that this necessary evil is a small thing compared to the good which results. And no exception to this rule is made for public or socialist agitation which, apparently in the interests of public order, the government is often requested to restrain.[97]

4. *Molinari and the* Journal des Économistes

Between 1878 and 1883, Molinari published in the *Journal des Économistes,* in serial form, two of his major works of historical synthesis: *L'Évolution économique du dix-neuvième siecle: Thèorie du progrès* (1880) and *L'Évolution politique et la révolution* (1884). Like Marx, Molinari developed a systematic theory to account for the rise of modern industrial society. He examined the economic and political developments that had taken place in ancient and feudal societies, the beginnings of the market economy and the rise of the state and organized warfare. He then turned to the French revolution and its effects on the course of industrial development and the increase in liberty caused by the market as it broke down the restrictions of the old regime. One of Molinari's major themes in these two works was the gradual evolution from slavery to the "self-government" of the individual, with "tutelage" being an intermediary stage between them. He concluded the *Évolution politique* with an examination of the possible forms future society might assume under a "regime of full liberty." Molinari's theory of the evolution of free society will be dealt with in great detail in Part II of this paper, but it is perhaps worth noting here that he still maintained that a free society would dissolve the state's monopoly over the "production of security" and that an era of "freedom of government" would then begin.[98]

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In 1881, after the death of Joseph Garnier, Molinari was appointed editor of the prestigious *Journal des Économistes.*[99] It was a fitting tribute to one of the leaders of the free-trade liberal school to be given editorship of the main organ for the dissemination of *laissez-faire* ideas in the French-speaking world.[100] The *Journal des Économistes* had been preceded by the short-lived *Revue mensuelle d'Économie politique,* edited by Théodore Fix from July 1833 to 1836, and by a dinner club which had met in the "Jardin turc" during the years 1843–37. Both the *Journal des Économistes* and the *Société d'Économie Politique* had their origins there and were supported by the same small group of dedicated individuals.[101] The *Journal* had been founded by the indefatigable publisher Guillaumin and the first issue appeared on December 15, 1841. Its aim was summarized by Garnier in 1848 as,

> [to make] war on ignorance, monopoly, regimentation, protectionism, exaggerated centralization, bureaucracy, militarism, artificial systems, unintelligent laws, privilege, and abuses. Later, they [the economists] resolved to continue the fight against all obstacles, old and new, which hindered the production, circulation, distribution and consumption of both public and private wealth.[102]

It also printed the minutes of the meetings on the *Société d'Économie Politique,* official documents and laws, essays on nearly every topic of interest concerned with economics, politics, and social issues, and summaries of the sessions of the *Académie des Sciences morales et politiques.* Many free-trade liberals wrote for the *Journal* at one time or another, among them being: Frédéric Bastiat, Cherbuliez, Adolphe Blaise, Blanqui, Michel Chevalier, Ambroise Clément, Charles Coquelin, Eugène Daire, Charles Dunoyer, Dussard, Léon Faucher, Fix, Garnier, Molinari, Monjean, H. Passy, Reybaud, Rossi, Horace Say, V. de Tracy, Wolowski and Richard Cobden.[103] From 1881 until November 1909, Molinari devoted himself to the *Journal des Économistes,* bringing to it his considerable talent as a writer and his experience and widespread knowledge of economic and political affairs. Around him he gathered a group of contributors "whom he animated with his own zeal and enthusiasm, and of whom he made real friends."[104] He also continued to publish a considerable amount of his own, and this period was in fact his most prolific.

Soon after he became editor, he continued his work on the evolution of industrial societies and on labor exchanges for workers.[105] Just as industry had its exchanges to assist in the movement of capital and the dissemination of price information, so the working classes needed to pool their resources to confront big business. The *Bourse du Travail* (Labor Exchange) would be the meeting ground for buyers and sellers of labor, to the advantage of both parties. In 1857 Molinari and his brother Eugène had founded a journal, *La Bourse du Travail,* in Brussels, in an attempt to reconcile what they regarded as the false antagonisms that existed between workers and

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employers. Although the magazine did not last more than a few months, Molinari did not lose interest in the problem. In June 1882 the *Société d'Économie Politique* devoted one of its sessions to the *Bourse* and its possible influence on strikes and Molinari continued to write on this question for the next decade.[106] Although, as Guyot claimed, Molinari invented the term and the concept of the labor exchange, the exchanges that appeared in France in the last decades of the century were corrupted forms since the buyers of labor were excluded and the exchanges were used as a weapon in the class war rather than as a means of eliminating it.[107]

The other major works of his which appeared in this period dealt with the very intimate connection between morality and the market system. Property, peace and freedom were all defended on moral, and not just on utilitarian grounds, and the natural laws which governed the operation of the market had their origin, Molinari argued, in the divine law that governed human behavior.[108]

In July 1887 the *Times* had published his scheme to eliminate war by organizing a "Ligue des neutres" (League of Neutrals). This league had as its aim the combination of the armies of the smaller, neutral nations of Europe in order to discourage the larger, more warlike nations from threatening them with invasion or attack. His hope was that "the more aggressive powers would ultimately disarm if, every time they menaced the peace, they were confronted by a greater force determined to defend it,"[109] but he was under no illusion that this utopian scheme had much chance of being realized. He knew too much about the "interests" who benefited from war and the threat of war to expect them to act in the interests of the people whose lives they threatened. Thus, the seed of his later pessimism was sown when he admitted of his peace plan "which I hoped to sketch out in this project without otherwise deceiving myself that there was any chance of realizing it in the present intellecutal climate."[110] It was later, in his *Ultima Verba,* that he revealed that

> My final work concerned those principles which had absorbed my life: free trade and peace.... These fundamental ideas were its basis...,[111]

and again in his *Théorie de l'évolution*:

> We may hope that one day public opinion will be intelligent enough to understand that the existence of society can be guaranteed at a cheaper cost, and powerful enough to liberate the State from the special interests which now fight to control it—not to simplify and lighten its ancient and heavy apparatus, but to complicate and expand it evermore.[112]

Gone was the certainty of two decades earlier that the ever-advancing market would inevitably bring to an end all the government intervention which hampered its progress. Neither politicians, nor businessmen, nor workers had given up their faith in the power of the government to improve their standard of living, in spite of the free-trade liberals' arguments to the

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contrary. Molinari had well understood the fact that these groups which controlled or had access to the state, comprised a class which would not willingly give up the privileges that power bestowed. Unfortunately, he had badly over-estimated the readiness of the exploited classes, the workers, the consumers and the industrialists who did not seek state privileges, to identify government intervention as the enemy of progress. Ultimately, his efforts at popularizing free-trade ideas had failed to win a large enough audience to influence the course of events. The result was a growing sense of pessimism in the last decades of his life as he observed the rise of statism, socialism, militarism and colonialism—forces which he had opposed throughout his long and active life. Consequently, from 1893 onwards, he began to compromise his anti-statist views, gradually abandoning his belief that competition amongst defense agencies is the best and most moral method of defending property rights. Molinari came to adopt the position of his opponents, that a single defense agency, the state, should have a monopoly on defense services within a given geographical area. In spite of this compromise in his later years, Molinari had made a major contribution to the development of anti-statist liberal ideas, being the first free-trade liberal to argue for the complete dismantling of the state, even including the "night watchman" functions that most other classical liberals defended.

Molinari retired at the end of 1909 at the age of ninety after having spent twenty-eight years as the editor of the *Journal des Économistes.* He was highly regarded by Guyot for "the elegance of his literary style, his strength and delicacy of expression, the appositeness of all terms employed... [and as] one of the masters of the French language."[113] A close family friend, A. Raffalovich, revealed to Guyot after Molinari's death that he had often given to charity.[114] Such acts of kindness had gone unnoticed by his critics who persisted in describing him as one of "the group of the intransigents, stalwarts, and the orthodox."[115]

Molinari died at Adinkerque on January 28, 1912, leaving behind no school of eager followers to develop his economic and political ideas. He had been the last of the great nineteenth-century French *laissez-faire* liberals and when he died, so did that tradition, an anachronism in the rampant statism of the twentieth century. The development of the extreme antistatism which made Molinari's liberalism so unique will be examined in Part II.

NOTES

1. Richard Overton, "An Arrow Against All Tyrants and Tyranny, Shot from the Prison of Newgate into the Prerogative Bowels of the Arbitrary House of Lords, and all other Usurpers and Tyrants Whatsoever," in G. E. Aylmer, ed., *The Levellers in the English Revolution* (Ithaca, N.Y.: Cornell University Press, 1975), pp. 68-69. See also C. B. MacPherson, "The Levellers: Franchise and Freedom," *The Political Theory of Progressive Individualism* (Oxford: Oxford University Press, 1975), pp. 107-59.
2. Burke wrote: "the cause of artificial society is more defenceless even than that of artificial religion.... the design [of this work] was to show that, without the exertion of any con-

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siderable forces, the same engines which were employed for the destruction of religion might be employed with equal success for the subversion of government.... If you say that natural religion is a sufficient guide without the foreign aid or revelation, on what principle should political laws become necessary? Is not the same reason available in theology and in politics? If the laws of nature are the laws of God, is it consistent with the divine wisdom to prescribe rules to us, and leave the enforcement of them to the folly of human institutions? Will you follow truth but to a certain point?" (Edmund Burke, *A Vindication of Natural Society: Or a View of the Miseries and Evils Arising to Mankind from every Species of Artificial Society. In a Letter to Lord—by a late Nobel Writer,* in *The Works of the Right Honourable Edmund Burke* [1756; Oxford: Oxford University Press, 1906–1907], 1:53, 4, 53).

3. For the view that Burke's *Vindication of Natural Society* was not written as a satire, as is commonly believed, see Murray N. Rothbard, "A Note on Burke's *Vindication of Natural Society,*" *Journal of the History of Ideas* (1958), pp. 114–18; Elie Halevy, *The Growth of Philosophical Radicalism* (London: Faber and Faber, 1952); and Isaac Kramnick, "Vindicating Burke's *Vindication,*" *The Rage of Edmund Burke: Portrait of an Ambivalent Conservative* (New York: Basic Books, 1977), pp. 88–93. The internal evidence suggests that Burke did not believe that he was able to state his real opinions openly because of the dangers faced by radical political theorists and other dissenting authors. "I have defended natural religion against a confederacy of atheists and divines. I now plead for natural society against politicians, and for natural reason against all three. When the world is in a fitter temper than it is at present to hear truth, or when I shall be more indifferent about its temper, my thoughts may become more public. In the meantime, let them repose in my own bosom, and in the bosoms of such men as are fit to be initiated in the sober mysteries of truth and reason.... A man is allowed sufficient freedom of thought, provided he knows how to choose his subject properly. You may criticize freely upon the Chinese constitution, and observe with as much severity as you please upon the absurd tricks or destructive bigotry of the bonzees. But the scene is changed as you come homeward, and atheism or treason may be the names given in Britain to what would be reason and truth if asserted of China" (Burke, *A Vindication of Natural Society,* pp. 37, 40–41).
4. Burke, *A Vindication of Natural Society,* p. 9. Political society he defined as "the usurpation of man" (*ibid.,* p. 46).
5. *Ibid.*, p. 16.
6. "I charge the whole of these effects on political society....political society is justly chargeable with much the greatest part of this destruction of the species.... I still insist in charging it to political regulations that these broils are so frequent, so cruel, and attended with consequences so deplorable" (*ibid.,* pp. 20–21).
7. *Ibid.*, pp. 35, 37.
8. *Ibid.*, p. 37.
9. See the discussion of Molinari's "Production of Security" in Part II of the present essay, in the *Journal of Libertarian Studies* 5, no. 4, forthcoming.
10. Burke, *A Vindication of Natural Society,* p. 37.
11. Burke writes: "the greatest part of the governments on earth must be concluded tyrannies, impostures, violations of the natural rights of mankind, and worse than the most disorderly anarchies" (*ibid.,* p. 28).
12. "They appointed governors over them for this reason (to defend themselves)! but a worse and more perplexing difficulty arises, how to be defended against the governors? *Quis custodiet ipsos custodes?*" (*ibid.,* p. 37).
13. *Ibid.*, p. 47.
14. "I am at full liberty to defend myself, or make reprisal by surprise or by cunning, or by any other way in which I may be superior to him" (*ibid.,* p. 46).
15. "Anarchy" and "anarchic" are used in this paper in the sense of chaos, disorder and lawlessness. "Anarchism" or "anarchist," on the other hand, are used in the sense of a political theory which advocates the maximum amount of individual liberty, a necessary condition of which is the elimination of governmental or other organized force. The kind of anarchism developed by Molinari and others is not lawless or chaotic but depends on the

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observance of natural law and the market for the establishment of a just and peaceful economic order.

16. "I ought to appropriate such part of the fruits of the earth as by any accident comes into my possession, and is not necessary to my benefit, to the use of others; but they must obtain it from me by argument and expostulation, not by violence. It is in this principle that what is commonly called the right of property is founded. Whatever then comes into my possession, without violence to any other man, or to the institutions of society, is my property" (William Godwin, *Enquiry Concerning Political Justice and Its Influence on Modern Morals and Happiness,* ed. Isaac Kramnick [Harmondsworth: Penguin Classics, 1976], p. 199).
17. Godwin's footnote acknowledging his debt to Burke is in *ibid.,* p. 88. See also F. E. L. Priestley's edition of *Enquiry Concerning Political Justice* (Toronto: University of Toronto Press, 1969), 3:39, 117, 125–26. Remaining references in this essay, however, are to the Kramnick edition.
18. Godwin, *Enquiry Concerning Political Justice,* p. 408.
19. *Ibid.*, p. 554.
20. *Ibid.*, p. 553.
21. "It might then be sufficient for juries to recommend a certain mode of adjusting controversies, without assuming the prerogative of dictating that adjustment. It might then be sufficient for them to invite offenders to forsake their errors. If their expostulations proved, in a few instances, ineffectual, the evils arising out of this circumstance would be of less importance than those which proceed from the perpetual violation of the exercise of private judgement. But, in reality, no evils would arise: for, where the empire of reason was so universally acknowledged, the offender would either readily yield to the expostulations of authority; or, if he resisted, though suffering no personal molestation, he would feel so uneasy, under the equivocal disapprobation, and observant eye, of public judgement, as willingly to remove to a society more congenial to his errors" (*ibid.,* pp. 553–54). On juries and the division of society into "parishes," exercising this function of social control by "banishment," see *ibid.,* pp. 545–46.
22. George Woodcock, *Anarchism: A History of Libertarian Ideas and Movements* (New York: Meridian, 1971), p. 92.
23. Leonard P. Liggio, "Charles Dunoyer and French Classical Liberalism," *Journal of Libertarian Studies* 1, no. 3 (Summer 1977): 173. See also Elizabeth W. Schermerhorn, *Benjamin Constant: His private life and his contribution to the cause of liberal government in France, 1767–1830* (Boston: Houghton-Mifflin, 1924), pp. 179, 188.
24. Benjamin Constant, *Écrits et Discours politiques,* ed. O. Pozzo di Borgo (Paris: Chez Jean-Jacques Pauvert, 1964), 1:234–35; and *idem,* "De Godwin et de son ouvrage sur la justice politique," *Recueil d'Articles: Le Mercure et la Renommée,* ed. Ephraim Harpaz (Geneva: Droz, 1972), 1:214–26.
25. A short biographical sketch of Godwin was done for the *Dictionnaire de l'économie politique* (ed. Coquelin and Guillaumin, 2 vols. [Paris: Guillaumin, 1852], 1:933), by Joseph Garnier, a friend and colleague of Molinari, which suggests the ideas of Godwin were known to the *économistes.*
26. Adam Smith, *The Wealth of Nations* (London: J. M. Dent and Sons, 1933), vol. 1, bk. 4, chap. 2, p. 400.
27. Adam Ferguson explained "spontaneous order" as "the result of human actions but not of human design," as quoted in F. A. Hayek, *Law, Legislation and Liberty,* 3 vols. (Chicago: University of Chicago Press, 1973–79), 1:20.
28. Smith, *Wealth of Nations,* vol. 2, bk. 4, chap. 9, p. 180.
29. "I will say that we can violate a man's property rights not only by seizing the products of his lands, capital and industry, but also by hindering him in the free use of these means of production. For the right to property as it is defined by the jurisconsults is the right to use, and even to abuse" (Jean-Baptiste Say, *Traité d'économie politique,* vol. 9, *Collections des Principaux Économistes,* ed. Horace Say (1841; reprint ed., Onsbruck: Otto Zeller, 1966), p. 134.
30. J.-B. Say describes slavery as that "which thus violates the most indisputable of proper-

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ties" (*ibid.*, p. 13). On conscription: "It is the most scandalous violation of property and of all natural rights" (*Cours d'économie politique,* vols. 10 and 11, *Collections des Principaux Économistes,* 11:64).

31. "Taxes, even when authorized by the public, are a violation of property. . . a theft" (J.-B. Say, *Traité d'économie politique,* p. 136).
32. J.-B. Say, *Cours d'économie politique,* 11:514.
33. J.-B. Say: "force never constitutes a right, even when it commands obedience" (*ibid.*, 11:273).
34. *Ibid.*, 10:555.
35. J.-B. Say, *Traité d'économie politique,* p. 198.
36. *Ibid.*, p. 135.
37. "Under free competition, the better an industrious man defends his own interests, the better he serves the national wealth. The meddling interference of authority cannot comprehend these interests any better than the individual. Each regulation is fatal, because it can never take the place of the intelligence of producers and it hinders their actions, the principal means of their successes" (J.-B. Say, *Cours d'économie politique,* 10:555). For a modern statement of this argument, see Hayek, "Economics and Knowledge," *Individualism and Economic Order* (Chicago: Henry Regnery, 1972).
38. J.-B. Say, *Cours d'économie politique,* 11:62. "We see that it is not impossible to introduce into public service the principle of free competition from which we have reaped such happy consequences in productive activities" (*ibid.* 11:227).
39. J.-B. Say, *Traité d'économie politique,* p. 222. The quote is from Smith, *Wealth of Nations,* vol. 2, bk. 4, chap. 7, p. 206ff., and can be found in the appendix to this essay, *Journal of Libertarian Studies* 6, no. 1, forthcoming.
40. "If equity commands that consumption be paid for by those who have enjoyed it, then in this respect the best administered countries are those where each class supports the cost of public expenses to the extent that they have benefited from them" (J.-B Say, *Traité d'économie politique,* p. 501).
41. "The price of goods based upon a monopoly is, by virtue of this privilege, higher than its cost of production and is to that extent an assault upon the property of the buyer. A tax which is raised higher than the cost necessary to procure the taxpayer the security he desires is likewise an assault upon the property of the taxpayer" (J.-B. Say, *Cours d'économie politique,* 11:389).
42. "Smith wished to have civil suits paid for by the parties involved. This idea would be even more practical if judgments were made not by officially chosen tribunals but by arbiters chosen by the parties from among those men singled out by public confidence. If these arbiters, acting as a jury of equity, were paid in proportion to the sum in dispute without regard to the length of the proceeding, they would be motivated to simplify and shorten the procedure in order to save their own time and to judge fairly in order to assure their continued employment" (J.-B. Say, *Traité d'économie politique,* pp. 501–502). "Arbiters would be paid by the parties, or perhaps by the losing party only, according to the importance of the interests in question not of the length of the trial. The parties would or would not employ the services of lawyers and advocates as they pleased. . . . Thus, the honorarium of the judge would be composed: (1) of a fixed sum for each province, a very moderate sum paid simply to have a man keep himself at the disposition of the public, (2) an *ad hoc* premium when he is called to be an arbiter, and (3) an honorarium proportional to the value in dispute, payable after judgment" (J.-B. Say, *Cours d-économie politique,* 11:267–77).
43. *Ibid.*, 11:276.
44. Albert Schatz, *L'Individualisme économique et sociale: Ses origines, son évolution, ses formes contemporaines* (Paris: Librairie Armand Colin, 1907), p. 197.
45. "In a well ordered state, the government ought to be nothing more than an aid to production, a commission charged and paid for by producers to look after the safety of their persons and property while they work and to guard them against all parasites" (Charles Dunoyer, *Censeur européen,* 2:102; quoted in Edgar Allix, "La Déformation de l'économie politique liberale après J.-B. Say: Charles Dunoyer," *Revue d'histoire des*

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doctrines économiques et sociales [1911], p. 118). Schatz observed of Dunoyer's ideas: "In this view, the functions of government would require only a small number of agents. The mass of workers would remain available to increase the sum of social utilities other than security. It is appropriate therefore to reduce the number of both public functions and public functionaries, employing the only effective means which is the reduction of their profits or salaries. The title of the Company charged with the public safety is of little importance, be it monarchy or republic, provided that it costs little and does not interfere, and that it progressively realizes the ideal of a society so perfectly educated that the government might disappear altogether leaving the people to the full enjoyment of their time, their income and their liberty" (Schatz, *L'Individualisme,* pp. 210–11).

Molinari was to show in *Les Soirées de la rue Saint-Lazare* (Paris: Guillaumin, 1849) that there was no need to assume that society or individuals would become progressively more educated before society could do without government monopoly security.

46. Dunoyer, *Censeur européen,* 2:102, quoted in Allix, "La Déformation de l'économie politique, p. 119.
47. *Ibid.*, 7:92, quoted in Allix, "La Déformation de l'économie politique," p. 119.
48. Thierry, *Censeur européen,* 8:230, 241, quoted in Mark Weinburg, "The Social Analysis of Three Early 19th Century French liberals: Say, Comte, and Dunoyer," *Journal of Libertarian Studies* 2, no. 1 (Winter 1978): 54.
49. Charles Comte, *Traité de legislation,* 1:448, quoted in Weinburg, "The Social Analysis," p. 57.
50. Dunoyer, *Oeuvres de Charles Dunoyer* (Paris: Guillaumin, 1886), 1:297, quoted in Allix, "La Déformation de l'économie politique," p. 131.
51. Dunoyer, *L'Industrie et la morale, considérées dans leurs rapports avec la liberté* (Paris: A. Sautelet, 1825), pp. 366–67.
52. J. L. Talmon, *Political Messianism, The Romantic Phase* (London: Seckar & Warburg, 1960), pp. 48–50, quoted in Liggio, "Charles Dunoyer and French Classical Liberalism," p. 171.
53. "Dunoyer," *Supplément du Nouveau Dictionnaire de l'économie politique de M. Leon Say et Joseph Chailley-Bert* (Paris: Guillaumin, 1897), pp. 142–44; Obituary of Dunoyer, *Journal des Économistes* (henceforth *JDE*), 2nd ser. 36 (October–December 1862): 442. Gustave de Molinari wrote the biographical study of Charles Comte for the *Dictionnaire,* 1:446–47.
54. Molinari, *Cours d'économie politique,* 2nd ed. rev. and enl., 2 vols. (1855; Paris, Guillaumin, 1863), 1:186.
55. See Part III of the present essay, in *Journal of Libertarian Studies* 6, no. 1, forthcoming.
56. Molinari, *L'Évolution politique et la révolution* (Paris: C. Reinwald, 1884), p. 394.
57. Yves Guyot, "Obituary—Gustave de Molinari," *The Economic Journal* (March 1912), p. 155.
58. See Emile Levasseur's address to the "Quarantième anniversaire de la fondation de la Société d'Économie politique," *JDE,* 4th ser. 20 (1882), p. 297.
59. Molinari, "L'avenir des chemins de fer" (1843), first published in *La Nation,* then in *La Gazette de France.*
60. This was the first of Molinari's books to be published by the great liberal publisher Guillaumin, who was to publish many of his later works and under whose impress appeared a large number of important and influential liberal works throughout the nineteenth century.
61. See Laurence S. Moss, "Private Property Anarchism: An American Variant," in *Further Explorations in the Theory of Anarchism* (Blacksburg, Va.: University Publications, 1974).
62. Molinari, "Notice sur la vie et les écrits de Charles Coquelin," *JDE* 33 (1852):245.
63. "It is not surprising that the members of the free-trade association did not succeed in exciting the masses in favor of tariff reform. They had the misfortune of being forestalled among the working classes by the socialists, while arrayed against them among the upper classes was the tenacious league of privileged interests. Faced with this alliance of socialism from below and protectionism from above, their propaganda, if not utterly para-

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lyzed, was at least rendered singularly difficult" (Molinari, "Liberté des Échanges [Association pour la]," *Dictionnaire,* 2:48.

64. Molinari, "Notice sur la vie et les travaux de Frédéric Bastist," *JDE* 28 (1851): 23.
65. Molinari, "Charles Coquelin," pp. 202, 247.
66. See Dean Russell, "Bastiat as Legislator," *Frédéric Bastiat: Ideas and Influence* (Irvington, N.Y.: Foundation for Economic Education, 1969). "The free trade movement as such had ceased to exist in France when Bastiat began his legislative career..." (*ibid.*, p. 106).
67. See "Quatrième anniversaire," *JDE* 37 (1853): 299.
68. Louis Napoleon Bonaparte was elected Président on December 10, 1848, and the criticism of the free-trade liberals may not have been felt as acutely as in April.
69. Molinari, Review of the *Dictionnaire d'économie politique, JDE* 37 (1853): 420. Also see Leon Say's and Emile Lavasseur's address in "Quatrième anniversaire."
70. Molinari believed that the early *économistes* had not been completely successful in removing all the old restrictions which hampered the development of the economy. He explained: "Our societies still bear numerous vestiges of the mercantilist regime. Nowhere has the freedom to work and trade completely found its place in the sun" (*Cours d'économie politique,* 1: 11).
71. Molinari, Review of the *Dictionnaire,* pp. 421–422, 426.
72. See Norman McCord, *The Anti-Corn Law League, 1838–1846* (London: Unwin University Books, 1968).
73. Guyot, "M. G. de Molinari," *JDE* 33 (February 1912): p. 179.
74. See especially Molinari, "La Révolution frànçaise," *L'Evolution politique et la révolution,* chap. 9. "How then did a revolution naively undertaken to establish a regime of liberty and prosperity for the benefit of humanity end in the reconstitution and aggravation of the old regime for the profit of a new governing class, in an increase in the servitude and burdens which weighed upon the 'political consumer' and in the recrudescence of the state of war?" (*ibid.*, p. 291).
75. Molinari, *Les Révolutions et le despotisme envisagés au point de vue des intérêts materiels* (Brussels: Meline, 1852), p. 90.
76. See M. Monjean, "Turgot," *Dictionnaire* 2:777–87; and H. Baudrillart, "La Philosophie des Physiocrates," *JDE* 29 (1851):224–34.
77. Molinari, *Les Révolutions et le despotisme,* p. 91.
78. Molinari's *Cours d'économie politique* is dedicated to Brouckere in thanks and it is here that Molinari explains how he came to be appointed to the *Musée royal.*
79. Molinari, *Cours d'économie politique,* p. xi. Molinari commended his intellectual forebears for helping to free industry from its political shackles under the *ancien régime*: "This task the founders have admirably accomplished" (*ibid.*, p. xi). However, conditions had changed by mid-nineteenth century and a new approach was needed to defeat the remnants of the old restrictions and the new holders of privilege who had emerged since (and because of) the revolution of 1789.
80. See note #15 supra on my distinction between "anarchy" and "anarchism."
81. Molinari, "La Situation économique en Belgique," *JDE,* 2nd ser. 9 (1856); and *JDE,* 2nd ser. 8 (1856): 150.
82. Molinari, "Le commerce des grains, dialogues entre un émeutier, un économiste et un prohibitioniste," part 1, *JDE,* 2nd ser. 4 (1854); part 2, *JDE,* 2nd ser. 6 (1855). Both were reprinted in Molinari, *Questions d'économie politique et de droit public* (Brussels: Lacroix; Paris: Guillaumin, 1861).
83. Molinari, *L'abbé de Saint-Pierre: Se vie et ses oeuvres* (Paris: Guillaumin, 1857). See also Molinari, "Des Progrès réalisés dans les coutumes de la guerre," *JDE,* 2nd ser. 3: 161, 321; and *idem,* "La paix perpétuelle est-elle une utopie?" *JDE,* 2nd ser. 12 (1856): 33. Molinari, Frédéric Passy and Clavel had planned to publish a pacifist journal in neutral Belgium, provisionally entitled *L'Européen,* in 1859, but this attempt had not come to anything. See Frédéric Passy, *Pour la Paix—notes et documents* (Paris: Garland reprint, 1909), p. 7.
84. The education debate was printed in: "Si l'éducation des enfants est obligatoire par le père

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de famille: discussion à la Société d'économie politique," *JDE,* 2nd ser. 18 (1858): 476; *De l'enseignement obligatoire: Discussion entre M. G. de Molinari et M. Frédéric Passy* (Paris: Guillaumin, 1859); and Gaëtan Pirou, *Les Doctrines économiques en France depuis 1870* (Paris: Librairie Armand Colin, 1946), pp. 111–12. On tutelage, see Molinari, "Tutuelle et liberté," *L'Évolution politique et la révolution,* chap. 11, pp. 424–85. Discussion on tutelage will also be found in the section on "The Political Economy of 'Ulcerous' Government," in Part II of this paper.

85. Molinari, *Les Clubs rouges pendant le siège de Paris* (Paris: Garnier Frères, 1871); *idem, Le Mouvement socialiste et les réunions publiques avant la révolution du 4 septembre 1870* (Paris: Garnier Frères, 1872).
86. Molinari, "Preface," *Les Clubs rouges,* p. vi. This was written May 15, 1871.
87. *Ibid.*
88. Molinari, "Preface," *Le Mouvement socialiste,* p. xiii.
89. *Ibid.*, p. xiv.
90. *Ibid.*, p. xvi.
91. *Ibid.*
92. *Ibid.*, p. xviii.
93. *Ibid.*, p. xix.
94. *Ibid.*
95. *Ibid.*, p. xx.
96. *Ibid.*, p. xxi.
97. *Ibid.*, p. vii.
98. See Molinari, "De la production de la sécurité," *JDE* 21 (1849): 277; reprinted in Molinari, *Questions d'économie politique,* 1:245; translated by J. Huston McCulloch, "The Production of Security," *Occasional Paper Series* #2 (New York: Center for Libertarian Studies, 1977). For additional discussion see Molinari, "Du governement et de sa fonction," *Les Soirées de la rue Saint-Lazare,* onzième soirée, p. 303; and *idem,* "Les consommations publiques," *Cours de l'économie politique,* 2:480. Also relevant are the following articles by Molinari in the *Économiste belge*: "Le sentiment et l'intérêt en matière de nationalité" (May 24, 1862); polemic with Hyac. Deheselle (July 4 and 21, and July 5 and 19, 1862); "Principe du sécessionisme" (August 30, 1862); "Lettres à une Russe sur l'établissement d'une constitution en Russie," (August 2 and 30, and September 19, 1862); "La crise américaine" (January 17, 1863); "Un nouveau Crédit Mobilier" (February 14, 1863); "Une solution pacifique de la question polonaise" (May 9, 1863); quoted in *Cours d'économie politique,* 2:532.

    Molinari's *L'Évolution économique du dix-neuvième siècle: Théorie du progres* (1880) and *L'Évolution politique et la révolution* (1884) were both published in Paris by C. Reinwald.
99. Joseph Garnier, the man whom Molinari succeeded as editor of the *Journal des Économistes,* had been a leading activist in free-trade and pacifist circles. Born in 1813, in Beuil, Alpes-Maritimes, he came to Paris at the time of the 1830 revolution and studied political economy under Adolphe Blanqui at the *École spéciale du Commerce.* He was one of the five who founded the *Société d'Économie Politique,* he was editor and secretary of *Le Libre-Échange* and he lectured in political economy at the *École Blanqui,* the *Athénée Royal* (1842–43), the *École des Ponts-et-Chaussées* (1846–81) and occasionally at the *École supérieure du Commerce* and the *Collège Chaptal.* He also contributed to the founding of the *Club de la liberté du travail* and the popular journal *Jacques Bonhomme.* In 1873 he was elected a member of the *Académie des Sciences morales et politiques* to replace Charles Dupin and elected senator in 1876 for the department of Alpes-Maritimes. Garnier was also very active in the peace movement, being one of the organizers of the *Congrès des amis de la paix* for the meetings in Paris, Frankfurt and London in 1849, 1850, and 1851. Garnier was considered by his colleagues to have considerable talent for popularizing the ideas of peace and liberty, ideas which he considered to be inseparable both in theory and practice. Molinari wrote of him: "Political economy has been the passion and labor of his life. He regarded its principles as the best means to free society from the utopias of socialism and the alliances of special interests—the latter perhaps the more

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pernicious since utopias only threaten the future while special interests exploit the present. His entire life was devoted to spreading the tenets of this science of peace and liberty. He labored to popularize it in his speeches, his lectures, his articles and his books. He wrote the finest textbook on political economy which we possess—his *Traité,* which has become a classic and been translated into all languages. He was tireless" ("Obseques de Garnier," *JDE,* 4th ser. 20 [1882]).

100. The editors of the *Journal des Économistes* were: Adolphe Blanqui (1842), Hippolyte Dussard (1843–45), Joseph Garnier (1845–55), Henri Baudrillart (1855–65), Joseph Garnier (1865–81), Gustave de Molinari (1881–1909), and Yves Guyot (1909–?).
101. For the early history of the *Journal des Économistes* and the *Société d'Économie Politique,* see "Journal des Économistes," *Dictionnaire*; and Levasseur, "Quarantième anniversaire de la fondation." The *Société* had 50 members in 1847, 80 in 1849, 117 in 1859, 148 in 1864, 165 in 1868, 211 in 1874, and 227 in 1882. See also Michel Lutfalle, "Aux Origines du libéralisme économique en France: le Journal des Économistes; Analyse du contenu de la première serie, 1841–53," *Revue d'histoire économique et sociale,* no. 4 (1974).
102. J. Garnier, quoted in "Journal des Économistes," *Dictionnaire,* from *JDE* (March 1848).
103. Listed in "Journal des Économistes," *Dictionnaire.*
104. Guyot, "Obituary—Gustave de Molinari," *The Economic Journal* 22 (March 1912): pp. 154–55.
105. Molinari had first written about how workers could improve their conditions in the *Courrier français* (July 1846).
106. See Guyot, "G. de Molinari," pp. 186–87; Molinari, "Son Opinion, a la Société d'Économie Politique, sur les bourses du travail," *JDE,* 4th ser. 18 (1882): 441; *idem,* "La Bourse du travail," *JDE,* 4th ser. 44 (1888): 321; and *idem, Les Bourses du Travail* (Paris: Guillaumin, 1893).
107. Cobban writes: "under the Marxist influence of Guesde, a Fédération nationale des Syndicats was formed for political action in 1886. In opposition to this, Bourses du Travail, founded in 1887, as popularly controlled centres of mutual aid, workers' education, and employment exchanges, formed a national federation in 1892," (A. Cobban, *A History of Modern France,* vol. 3, *1871–1962,* (Harmondsworth: Penguin, 1965), p. 46.
108. Molinari developed these ideas in the following books: *Les Lois naturelles de l'économie politique* (Paris: Guillaumin, 1887); *La Morale économique* (Paris: Guillaumin, 1887); *Notions fondamentales d'économie politique et programme économique* (Paris: Guillaumin, 1891); *Religion,* trans. Walter K. Firminger, 2nd enl. ed. (London: S. Sonnenschein; New York: Macmillan, 1894); *Science et Religion* (1894); *Comment se résoudra la question sociale?* (Paris: Guillaumin, 1896); *La Viriculture* (Paris: Guillaumin, 1897); *Grandeur et décadence de la guerre* (Paris: Guillaumin, 1898); *Esquisse de l'organisation politique et économique de la Société future* (Paris: Guillaumin, 1889); *Les Problèmes du XXe siècle* (Paris: Guillaumin, 1901); *Questions économiques à l'ordre du jour* (Paris: Guillaumin, 1906); *Théorie de l'évolution: Economie de l'histoire* (Paris: F. Alcan, 1908); and *Ultima Verba* (Paris: V. Girard et E. Brière, 1911). In addition, he contributed to the second edition of the *Dictionnaire de l'économie politique* (1892).
109. "Projet d'association pour l'établissement d'une ligue des neutres," initially published by the *Times* (July 28, 1887), was reprinted in Molinari, *La Morale économique,* p. 438.
110. *Ibid.*, p. 431.
111. Quoted in Guyot, "G. de Molinari," p. 194.
112. Molinari, *Théorie de l'évolution,* p. 257.
113. Guyot, "Obituary—Gustave de Molinari," p. 155.
114. "He was a completely disinterested man.... What acts of charity his friends and intimates witnessed him perform without fanfare" (quoted in Guyot, "G. de Molinari," p. 183).
115. Raymund de Waha, *Die Nationalökonomie in Frankreich* (Stuttgart, 1910), p. 71.

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The Culture of Individualist Anarchism in Late Nineteenth-Century America

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Individualist anarchism in America of the late nineteenth century revolved around and was expressed through *Liberty,* a periodical published and edited by Benjamin R. Tucker from 1881 to 1908.[1] During its twenty-seven year publication, *Liberty* chronicled the intellectual development of the libertarian movement. It served as a conduit for foreign thought, particularly that of Proudhon and Spencer; it introduced Max Stirner and egoism to America;[2] it was the forum for lengthy, high-caliber debate on issues such as children's rights, intellectual property, natural rights and economics. *Liberty* was the first American paper to publish Nietzsche,[3] and when George Bernard Shaw's first article appeared in America, it appeared in *Liberty*.[4] Since Tucker and the majority of the writers for *Liberty*—including Victor Yarros, George Schumm, E. C. Walker, James L. Walker, Henry Appleton and A. P. Kelly—were professional journalists, its quality was consistently high. Its contributors were so diverse as to include Lysander Spooner and Vilfredo Pareto, J. K. Ingalls and Dyer D. Lum.

Because *Liberty* mirrored the controversies and the personalities of its time, and because its editor—Benjamin R. Tucker—was the most influential of the individualist anarchists, it is natural to use *Liberty* as a textbook of libertarian culture of the late nineteenth century.

By the culture of individualist anarchism, I mean the unique assumptions and attitudes with which the anarchists viewed the world and society. This included: a sense of internationalism; an emphasis upon social reform; and opposition to the political means of achieving social goals.

I

A prominent aspect of the internationalism of the anarchists was the immense influence that foreign thinkers exerted upon the movement. One of the most important of these influences was the French political philosopher Pierre Joseph Proudhon, whose words—"Liberty, the mother not the daughter of Order"—appeared as a motto on *Liberty*'s masthead. Tucker, in fact, dedicated *Liberty* to Proudhon: "Liberty is...a journal brought into existence almost as a direct consequence of the teachings of

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Proudhon." He continued by proclaiming Proudhon "the profoundest political philosopher that has ever lived."[5] Almost all of Tucker's editorial columns were headed by quotations from the French philosopher. One of the two quotations employed was: "In abolishing rent and interest, the last vestiges of old time slavery, the Revolution abolishes at one stroke...all those insights of Politics, which young Liberty grinds beneath her heel."[6]

This quote typifies the influence of Proudhon, which was most conspicuous in economic areas. As an advocate of the labor theory of value, Proudhon condemned rent and interest as usury and championed free banking, which he believed would virtually eliminate all interest. Tucker pointed to Proudhon's experimental bank, The Bank of the People, as a successful example of a labor bank (a bank in which labor rather than a commodity such as gold was the standard of value).[7] Proudhon's theory of banking was popularized among the anarchists through William Greene—a personal friend of Proudhon—and especially through Greene's pamphlet *Mutual Banking,*[8] which Tucker called "the most important work on finance ever published in this country."[9] The Americans' acceptance of the labor theory of value was to become one of their main points of departure from their counterparts, the British individualists.

Another major foreign influence was the German philosopher Max Stirner. Stirner's book, *Der Einzige und Sein Eigenthum (The Ego and His Own),* was translated by Steven Byington and published in English in 1907 with an introduction by James L. Walker.[10] Although this translation came fairly late in the movement's history, the first article on egoism appeared in *Liberty* in 1886 by Tak Kak, the pseudonym of James L. Walker. The ensuing controversy caused the most significant rift that was to occur in the individualist anarchist movement. When, in 1887, Tucker rejected natural rights as the basis of libertarianism and adopted Stirnerite egoism in its stead, the natural rights advocates claimed that he was destroying not only the idea of rights but also the individualist anarchist movement itself.[11]

Although the actual proponents of egoism in *Liberty* were James L. Walker and J. B. Robinson, Tucker was bitterly criticized because it was known that he privately sanctioned their position. Gertrude B. Kelly wrote to Tucker: "we might well be led to suppose that you had been 'hired by the enemy' to bring disgrace upon...Anarchism by allowing such distortions of their principles as Tak Kak has presented to appear in the columns of Liberty with little or no comment from you." She ended this attack: "My friends, my friends have you completely lost your heads? Cannot you see that without morality, without the recognition of other's rights, Anarchy, in any other than the vulgar sense, could not last a single day?"[12] This controversy ceased when the natural rights side of the debate (Gertrude B. Kelly and her brother John F. Kelly) dissociated themselves from *Liberty.*[13,14]

The third foreign thinker with great impact was the British philosopher Herbert Spencer. The foremost Spencerian in *Liberty,* in terms of longevity,

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was unquestionably Victor Yarros, although Gertrude Kelly and John Kelly were also conduits.

There were two ways in which Spencer's impact was experienced. First, his philosophy provided a foundation for an integrated, scientific approach to individualism. It was Spencer's emphasis on science, particularly on evolution, that largely accounts for his tremendous success in this country. Evolution was a key concept to the individualists who tried to incorporate the theories of Spencer and Darwin into their moral system; and it is with the Spencerians that one finds an attempt to establish scientific ethics. The Spencerian periodical *Popular Science Monthly*[15] is an illustration of this blending. Articles on individualism are interspersed with, for example, diagrams of the inner workings of a telescope, for the Spencerians believed that the functioning of a telescope and that of morality were equally scientific.

Secondly, Spencer's impact provided a point of departure. His early article "The Proper Sphere of Government,"[16] which appeared in the *Nonconformist,* so limited government that it was stripped of the power to declare war. Spencer's early work, *Social Statics,* contained the later deleted chapter "The Right to Ignore the State," which was a justification of anarchy without ever using that label.[17] A large part of *Liberty*'s discussion of Spencer revolved around a comparison of the young Spencer with the current Spencer, who was considered a heretic because of his alleged conservatism.

The anarchists seemed especially angered by Spencer's offhanded dismissal of Proudhon[18] and by an article entitled "The Coming Slavery" which appeared in the *Contemporary Review.*[19] This article commented upon what Spencer termed "the undeserving poor" and enraged Gertrude Kelly who interpreted it as an attack on the workingman. In her response to this article, Kelly typified *Liberty*'s approach to Spencer. She wrote: "The only true advocates of *laissez-faire* in modern times are the Anarchists. They are Mr. Spencer's true disciples, more true to his teachings than he is himself."[20]

Less prominent figures were also noteworthy, especially Auberon Herbert, Kropotkin, Bakunin and John Henry Mackay, but the overwhelming foreign influences were Proudhon, Stirner and Spencer. This influence was an important factor behind the many translations and reprints that flowed from the movement. One example of this widespread activity was Benjamin Tucker's translation of the works of Proudhon, at a time when the complete works of Lysander Spooner were not available.[21] Often, translations appeared in *Liberty* in the form of serialized novels. Sophie Kropotkin's autobiographical novel, *The Wife of Number 4,237,* chronicled her husband's imprisonment by the French government.[22] The literature translated was usually French or Russian and often was translated by Sarah Holmes (who also published a number of individualist works in book form).[23] Columns from contemporary foreign newspapers such as

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Clemenceau's *La Justice* and *La Revolte* by Kropotkin were frequent additions to *Liberty,* though the bulk of reprinted material came from Britain.

When Tucker traveled to England and Europe in 1889, he met a number of the foreign radicals, and thereafter the British individualists began to appear frequently in *Liberty*. Wordsworth Donisthorpe, the London correspondent for *Liberty*, contributed lengthy articles and reported on the activities of British organizations, such as the Liberty and Property Defense League. The American anarchists and the British individualists often debated issues such as the charging of interest and children's rights. Generally, the Americans were more radical in areas such as government, while the British, who did not so widely accept the labor theory of value, were better in economics.[24]

Other correspondents for *Liberty* were: Vilfredo Pareto, who wrote several reports on Italy; David Andrade, who contributed several excellent articles on Australia; and John Henry Mackay, who wrote from Germany.

It is interesting to note that this attention to the foreign press and foreign writers was not totally one-sided. Columns from *Liberty* were translated and reprinted abroad. For instance, the Spanish *A Vida,* a communist-anarchist periodical, translated an article by Steven Byington from a French journal which had been previously translated and reprinted from *Liberty*. *A Vida* then proceeded to take Byington to task for his interpretation of anarchism. Byington in turn translated the Spanish article and responded to it in *Liberty*.[25]

Another feature of this internationalism was the anarchists' tendency to champion distinctly foreign causes. The individualist anarchists became so involved in the Irish no-rent movement, for example, that Henry Appleton and Sidney Morse contributed columns to the main no-rent paper, *Irish World*.[26] This controversy was more hotly discussed in the first volume of *Liberty* than were most distinctively American concerns. Similarly, the persecution of the Russian nihilists in the early 1880's was a major focus of *Liberty*'s first three years. Issue one, page one, in fact, was dominated by a portrait of and a poem to Sophie Perovskaya, the assassin of Czar Alexander II.

It is interesting to speculate on the reason for this sense of internationalism. Although the movement was fortunate to include Byington, a fine professional translator, and although many of the anarchists were bilingual, the major factor lay in the flood of immigration into this country and into the anarchist movement. Paul Avrich comments on this influx in his book, *An American Anarchist: The Life of Voltairine de Cleyre*: "There were by Voltairine's estimate [circa 1900] between 400 to 500 anarchists in Philadelphia, of whom 145 were regulars. Seventy-five of these were Russian Jews, 40 were native Americans, 24 Germans, 3 Italians, 2 Cubans and one Frenchman."[27] Anarchism everywhere in America felt the impact of this immigration in terms of translations, foreign language papers published in

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America, the infusion of foreign thought, and a concern with foreign affairs. Writers dealing specifically with individualist anarchism included: Gertrude and John Kelly, from Ireland; Victor Yarros, who emigrated from the Ukraine to avoid political arrest; James L. Walker and William Hanson, born in Britain; and George Schumm, from Germany.[28] Unfortunately, this immigration was sharply cut off by the repressive anti-anarchist immigration laws of the early 1900's.[29] It is with these laws that libertarianism lost much of its international flavor.[30]

II

Another defining aspect of individualist anarchism was its insistence upon individual rights in the social realm. This insistence made its advocates, to a large extent, fellow travelers with the social reformers of two prominent movements of the day—freethought and free love.

American freethought was a basically anti-Christian, anti-clerical movement whose purpose was to make the individual politically and spiritually free to decide for himself on religious matters. A number of the contributors to *Liberty* were prominent figures in both freethought and anarchism. The individualist anarchist George MacDonald was a co-editor of *Freethought* and, for a time, the *Truth Seeker.* E. C. Walker was co-editor of the excellent freethought/free-love periodical, *Lucifer, the Light Bearer.*[31]

Although the anarchists agreed with the goals of freethought, they were often critical of the major figures of the movement. Robert Ingersoll was heavily criticized for his refusal to extend individual liberty into economic areas such as banking. In speaking of Ingersoll's advocacy of protectionism, one of the kinder things Tucker had to say was: "justice requires me to state that Ingersoll's sins are due rather to his shallowness and ignorance than to any desire to bolster up the iniquities of the plutocracy."[32] In turn, Ingersoll's supporters termed Tucker "the self-appointed corrector of the human race."[33] To paraphrase Tucker's criticism: although the individualist anarchists shared freethought goals, they insisted on carrying individual choice further than the majority of freethinkers. They wished to fundamentally change society rather than to merely reform it.

This was a recurring conflict. A more extreme instance, in which many freethinkers refused to extend liberty even in religious matters, occurred when the government began to persecute the Mormons for the religious practice of polygamy. Horace Seaver, co-editor of the freethought paper *The Boston Investigator,* refused to defend the Mormons, falling back on the argument: "Would you like to see your daughter living in polygamy?"[34] Tucker's response to Seaver exemplified the individualist anarchist approach. "It does not now occur to the Mormon hater that the wishes of the daughters themselves should be consulted," observed Tucker. "Every honest

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father, whatever he may desire to see his daughter do or not do, will strive to secure her in the right of choice—that is, Liberty."[35] This debate ended with Seaver accusing Tucker of advocating polygamy and Tucker accusing Seaver of being "a peevish old man."[36]

It is useful to dwell upon these conflicts in order to distinguish individualist anarchism from freethought, but the movement was generally sympathetic to freethought. Many of the anarchists were ardent freethinkers; reprints from freethought papers such as *Lucifer, the Light Bearer, Freethought,* and the *Truth Seeker* appeared in *Liberty*; and, most importantly, the anarchists agreed with the political/educational goals of freethought and with the anti-Christian, anti-clerical bias. The church was viewed as a common ally of the State and as a repressive force in and of itself. The most notable exception to this was Byington who defended Christianity, accurately pointing out that Christians had played a significant role in libertarian causes of the past. In this stand, however, Byington was almost unique, and Tucker's opinion seemed to be that he would outgrow it.[37] To Tucker's credit, he even printed Byington's defense of missionaries with which he must have violently disagreed.[38]

The individualist anarchists also participated in the free-love movement. The purpose of this movement was to separate the State from sexual matters, to leave sexual matters to the consciences of the participating individuals. These sexual matters included birth control, marriage, adultery, divorce, age of consent laws, and legitimacy claims. As a rule, the radicals involved in this movement were puritanical in their views and behavior; free love, therefore, should not be equated with promiscuity. The spirit of free love was similar to the crusading moral spirit of abolitionism from which many of the free-love advocates sprang. As Ezra Heywood stated: "Relieving one from outer restraint does not lessen but increases this Personal Accountability; for by making him FREE, we devolve on him the necessity of self-government; and he must respect the rights of others, or suffer the consequences of being an invader."[39]

Much of the association that free love has with promiscuity is the result of a propaganda campaign by free-love opponents who sought to discredit the movement. This propaganda was so effective that many freethinkers—who would seem natural allies of the free-love advocates—condemned the movement in order to escape guilt by association. The arrest of D. M. Bennett, editor of the most influential American freethought paper *The Truth Seeker,* occurred in 1878 for violation of the Comstock obscenity laws. This caused a great controversy in the freethought ranks. Some wanted to support Bennett, while the majority wanted nothing to do with his free-love activities. The hostility of most freethinkers toward free love was expressed at the 1879 convention of the Liberal League, a main organ of freethought. The convention opposed Bennett and voted to support the obscenity laws, while Ingersoll attempted to ban free-love advocates from membership in

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the League. He argued: "Let them spend their time examining each other's sexual organs, and in letting ours alone."[40]

Significantly, the individualist anarchists were the link between the two movements. They were the radical faction in both movements because they viewed both positions as two points on the same continuum—that of individual liberty.

There are significant differences between the anarchist participation in freethought and in free love. As with freethought, a number of the individualist anarchists—Ezra Heywood, E. C. Walker, Lillian Harman—were prominent in both movements. And, again, significant differences arose between Tucker and the major figures in the free-love movement. But here the similarity ends. The disagreements were not moral but strategic, and the individualist anarchists themselves were largely critical of Tucker's stand on these disagreements. This is one of the few areas in which Tucker's name is not a synonym for the movement as a whole.

An example of a disagreement over strategy occurred when Moses Harman, the editor of *Lucifer, the Light Bearer,* was sentenced under the Comstock laws. Moses Harman and Ezra Heywood set themselves up for prosecution by the State by mailing and printing material on birth control and the injustice caused by current sexual laws. Although Tucker was clear that both men had the right to publish and distribute whatever they wished, he loudly condemned them as "rash comrades who precipitate an irresistible onslaught upon our whole line which is liable to result in our annihilation."[41] Tucker feared that they would spark further repression which would endanger the right to discuss anarchism.

Needless to say, many of the individualist anarchists severely criticized Tucker, declaring that this was a time to support the accused men, not to condemn them. These recurring conflicts over strategy caused an important, though temporary, rift in the movement, particularly between E. C. Walker and Tucker. The issue in question was the non-State, non-church marriage of Walker and Lillian Harman, which they insisted the State should recognize as a valid marriage. Tucker thought it was absurd and dangerous to appeal to the State and, as he saw it, extend its grasp even further into sexual matters. Walker and Harman believed that State recognition of their union would deal a severe blow to the laws and traditions of marriage. When Walker and Harman were imprisoned for their stand, Tucker continued to criticize them despite the indignation and sympathy expressed by the radical community.[42] In fairness to Tucker, it should be pointed out that he printed both sides of the issue and advocated contributing money to their defense.

Despite its seemingly conservative stand on the imprisonment of Moses Harman and Ezra Heywood, *Liberty* itself flouted the Comstock laws. Walt Whitman, much admired by Tucker, was the object of censorship when the Boston Post Office suppressed *Leaves of Grass* in 1882 owing to one of its

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poems entitled *To a Common Prostitute.* Tucker openly republished the book[43] and offered it for sale through the mails, taunting the postal authorities with an advertisement that declared:

> To Oliver Stevens, District Attorney.... You are hereby notified... that I have in my possession, and do now offer for sale, copies of the work advertised above.... And, to avoid unnecessary trouble and make the evidence of sale indisputable, I offer, on receipt for any one of you of an order for a copy of the work, to deliver a copy to you in my own person, at such place in Boston as you may designate.[44]

The invitation was never accepted.

Although individualist anarchism was distinct from freethought and free love, it may be viewed as a minority faction within these movements. It functioned as a radical minority that pushed constantly for hard-line advocacy of individual rights.

III

The integrating theme behind individualist anarchism was the primacy of the individual and the desire to eliminate all but defensive force from society. The anarchists proposed a society by contract to replace the society by force which they saw around them. And the kind of force they most loudly opposed was political activity, i.e., voting and electoral politics. They considered any participation in electoral politics to be a violation of libertarian principles. In Tucker's words: "If Liberty has a weak-kneed friend who is contemplating a violation of his anarchist principles by voting just for once, may these golden words from John Morley's 'Compromise' recall him to his better self: 'A principle, if it be sound, represents one of the larger expediencies. To abandon that for the sake of some seeming expediency of the hour is to sacrifice the greater good for the less on no more creditable ground than that the less is nearer.'"[45]

On the issue of holding political office, Lysander Spooner was one of the clearest of the individualist anarchists. In *A Letter to Thomas Bayard,* he framed his objection to the holding of political office, irrespective of who the particular holder may be. By what right, Spooner asked, can one person occupy a position of power over another's life? What circumstance would make this a proper situation? If you have the natural right to protect your life and property and if you delegate this right to another person, then his position is contractual and thereby in accord with libertarian principles. But what does this delegation entail? It means, according to Spooner, that you possess the right which is being delegated; that the delegation was explicit and not merely assumed, for a contract may not be assumed; and, that you can withdraw your delegation and reclaim the exercise of your natural rights, for to say that you cannot withdraw your delegation is to say that you have given away not the exercise of a particular right but your entire lib-

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erty. In Spooner's words: "No man can delegate, or give away his own natural right to liberty...or to give to another, any right of arbitrary dominion over himself; for that would be giving himself away as a slave. And this no one can do. Any contract to do so is necessarily an absurd one and has no validity."[46]

Voltairine de Cleyre expressed a similar view in a lecture delivered before the Boston Secular Society in 1890 and subsequently reprinted in *Liberty*. "I go to the White House" de Cleyre stated, "I say '[President] Harrison, are you the government?' 'No madam, I am its representative.' 'Well, then, where is the principal?—Who is the government?' 'The people of the United States.' 'The whole people?' 'The whole people.' 'You, then are the representative of the people of the United States. May I see your certificate of authorization?'" De Cleyre went on to define what she meant by authorization and why she morally opposed political office and the process of voting. "A body of voters cannot give into your charge any rights but their own. By no possible jugglery of logic can they delegate the exercise of any function which they themselves do not control. If any individual on earth has a right to delegate his powers to whomsoever he chooses, then every other individual has an equal right: and if each has an equal right, then none can choose an agent for another, without the other's consent. Therefore, if the power of government resides in the whole people and out of that whole all but one elected you as their agent, you would still have no authority whatever to act for that one."[47]

Spooner was also opposed to voting. In *No Treason,*[48] Spooner attacked the idea that by voting one is giving sanction to the State. He argues convincingly that voting can be viewed as a means of self-defense. It is not clear, however, that by attacking the idea of voting as implied consent that Spooner is supporting electoral politics. Arguing against a negative is not the logical equivalent of advocating a positive. Fortunately, Spooner was much clearer about voting elsewhere. In a letter dated 1845, written by Spooner to his friend George Bradburn of the Liberty Party, Spooner states: "I do not rely upon political machinery...for the principle of it is wrong; for it admits...that under a constitution, the law depends on the will of the majorities, for the time being, as indicated by the acts of the legislature."[49] Spooner was something of an annoyance to Bradburn because, although he was an abolitionist, he refused to vote for the Liberty Party.

Spooner was also clear in *Against Women Suffrage,* an article reprinted in *Liberty*. "Women are human beings and consequently have all the natural rights that any human beings have," Spooner argued. "They have just as good a right to make laws as men have, and no better; and that is just no right at all."[50] As an alternative to voting, Spooner admonished women to go to the State House and throw the existing statute books on the fire.

The individualist anarchists overwhelmingly believed that voting and the holding of political office were direct violations of libertarian morality.

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This issue was debated only twice in *Liberty*.[51] The first instance occurred when Henry Appleton attempted to infiltrate and use the Knights of Labor to achieve certain labor goals through that organization's participation in politics. Appleton accepted political activity as compromise. He wrote: "Tucker has yet to learn that compromise is a true scientific principle under Anarchism."[52] He then proceeded to defend compromise against the rigid "plumb-line" approach of Tucker. After Tucker's harsh reply entitled "Plumb-line or Corkscrew?",[53] Appleton backed down by stating: "Such a course of action [political activity], I do not regard as compromise...." Appleton made it clear that he was fighting for liberty by "trying to get a little nearer to the head and horns of the beast and finish up my work on that end."[54] Although Appleton's integrity was never questioned, the ensuing dispute was so bitter that Appleton—hitherto *Liberty*'s most frequent contributor—chose to disappear from its pages.

Victor Yarros also locked horns with Tucker. In one of his many articles for *Liberty,* Yarros opposed voting on strategic rather than on moral grounds. He wrote: "A friend and reader of Liberty recently put this query to me: When some practical, immediate good can be accomplished by the election of a particular man or the victory of a particular party, is it not the part of wisdom and propriety...to aid and abet such election?" Yarros replied: "The real question is whether the immediate and practical good which, by our hypothesis, can be secured is not overbalanced by indirect and remote injury to the essential aims and purpose of Anarchism. Answer this question in the negative, and all reasons for boycotting politics vanish.... Anarchists have no religious or moral objection to voting and party warfare."[55] Somewhat contradictorally, Yarros added "anarchists would not deem it ethically proper to use the ballot (which means aggression) for the purpose of furthering the cause of freedom."[56] Tucker responded: "For my part, when I say that I would use the ballot if I thought thereby I could best help the cause of freedom, I make the declaration in precisely the same sense...as when I declare...that I would dynamite if I thought that thereby I could best help the cause of freedom."[57]

Yarros contested the claim that ballots or bullets were, in principle, the same. "How absurd, then it is to say that there is no difference in principle between using the ballot...and using dynamite. Dynamite deprives man of life and limb; the use of the ballot for the purpose of securing freedom interferes with no one's exercise of his faculties."[58] Tucker noted Yarros' inconsistency: "He now tacitly premises such a transformation of politics that invasion is eliminated, and concludes therefrom that Anarchists may, on special occasions, participate in them without aggression."[59] In response, Yarros shifted ground again by defending not electoral politics but voting in referendums. This contradictory and temporary defense of political activity is the closest statement in *Liberty* that, under special circumstances, political activity does not compromise libertarian morality.

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Individualist anarchism was overwhelmingly anti-political. One of *Liberty*'s themes was "power corrupts" and one of its regular columns, "The Beauty of Government," was devoted to this theme, especially regarding police and the court system. If libertarianism of the late nineteenth century stood for any one principle it was opposition to the political solution to social problems.

From this refusal to grant validity to government, it is natural that a sense of internationalism developed. With the rejection of statism, national boundaries became pretensions of statist grandeur; the only boundaries to be respected were those of private property.

From the rejection of political activity, the anarchists directed their energy into social reform movements. They wrote and lectured. They joined organizations that sought to repeal laws. They championed strikes, boycotts, unions and other peaceful means of economic restructuring.[60] They experimented with alternative education systems such as that offered in the Modern School Movement and with alternative communities such as New Harmony. Moreover, the anarchists preached and practiced civil disobedience, especially in regard to freedom of speech and freedom of the press.

IV

An inevitable question which confronts any radical movement is whether or not it is a success. The standard of success is usually the extent to which the movement influences the laws and governmental structure of its time. By this standard individualist anarchism cannot be deemed a success.

However, in analyzing individualist anarchism it is necessary to put it in historical context. The Civil War and the growth of government which accompanied and followed it shaped America of the late nineteenth century. The post-Civil War period ushered in compulsory education, persecution of the Mormons, severe immigration restrictions, the Comstock laws, woman's suffrage, and the Spanish-American war. The tide of the time was pro-State and anti-individualist.[61] As Charles Burgess commented: "During that era of blood and in the decades that followed grew the first effective consensus about nationhood—and the widespread use of compulsion to transform that consensus into operational reality."[62]

The idea of society as a collective organism became dominant, and with this idea the individual was relegated to being merely one aspect of a more important whole. The rights of the individual were juxtaposed with the rights of society. The popular political theory advocated a scientific administration of that organism. This theory had the great attraction of never having been tried. Against this pro-State tide, the individualist anarchists were instrumental in preserving—and in some instances increasing—the religious and sexual freedom of their time. In the areas of freedom of speech and freedom of the press, they acted as a counterfoil to the Com-

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stock laws. Given their context, they were as successful as any pro-individualist cause could have been.

A more complicated question is whether or not their ideas were successful, for it is difficult to assess the impact of an idea or a tradition. The true impact of Locke's *Second Treatise on Government*—a key book in libertarianism—was not realized until long after its publication when it was used by the revolutionaries of the War of Independence. Ideas have life-spans far in excess of any individual or any phase of a tradition. The true success of individualist anarchism lies in the current libertarian movement for which it forms the necessary historical and theoretical foundation.

NOTES

1. *Liberty* was published in Boston from August 1881 to February 1892, and thereafter in New York until April 1908, shortly after which its offices were destroyed by fire, and it never resumed publication. There were two associate editors: A. P. Kelly (May 1884 to May 1888) and Victor Yarros (June 1890 to February 1892).
2. *Liberty* 3 (March 6, 1886): 8. The article was by Tak Kak, the pseudonym of James L. Walker.
3. *Liberty* 9 (December 17, 1892): 1, 4.
4. *Liberty* 11 (July 27, 1895): 2–10. Originally entitled *A Degenerate's View of Nordau,* this was later reprinted as *The Sanity of Art.*
5. *Liberty* 1 (January 1882): 4.
6. This quotation was used from *Liberty* 4 (August 21, 1886) onward. The quotation used prior to this issue was "A free man is one who enjoys the use of his reason and his faculties; who is neither blinded by passion, nor hindered or driven by oppression, nor deceived by erroneous opinions."
7. *Liberty* 9 (February 24, 1894): 5.
8. *Mutual Banking* was one of the pamphlets *Liberty* offered for sale as *Liberty's Library*; advertisements for it appeared throughout the twenty-seven years of publication.
9. *Liberty* 15 (February 1906): 7.
10. *Egoism,* a periodical published by Georgia and Henry Replogle, ran the first twelve chapters of J. L. Walker's *The Philosophy of Egoism* between May 1890 and September 1891.
11. Technically, Tucker did not repudiate rights. He claimed that they were a useful social construct with which to organize society. He attempted to base rights in contract rather than in the nature of man.
12. *Liberty* 5 (August 13, 1887): 7.
13. Gertrude Kelly's last article was in *Liberty* 5 (September 10, 1887); John Kelly's last appearance was through a letter to the editor, *Liberty* 5 (March 31, 1888): 4. The Kellys and Lazarus (the pseudonym of Sidney H. Morse), who also left over the egoism controversy, wrote thereafter for several publications, most notably the *Nemesis.*
14. For a detailed discussion of egoism and the *Liberty* controversy see James J. Martin, *Men Against the State* (Colorado Springs, Colo.: Ralph Myles, 1970), which is still the definitive source on this matter.
15. Edited by Edward L. Youmans, *Popular Science Monthly* was the leading Spencerian periodical in America.
16. This article appeared in the *Nonconformist* in twelve parts beginning June 15, 1842.
17. Spencer repudiated this chapter in 1892.
18. Spencer admitted to never having read Proudhon. *Liberty* 8 (June 25, 1892): 1.
19. This article was part of a series of papers printed in *The Contemporary Review* and later republished in *Man Versus the State.*
20. *Liberty* 3 (October 24, 1885): 7.
21. *The Proudhon Library,* as it was called, was first advertised in *Liberty* 4 (February 12,

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1887): 8. The first work translated in this series was *System of Economic Contradictions.* Unfortunately, Tucker never completed this series. Translating Proudhon was a long-range concern of Tucker's; at the age of 21, he had already translated *What is Property?*
22. *Liberty* 3 (March 6, 1886) through *Liberty* 4 (May 22, 1886).
23. Titles published by Sarah Holmes included *Three Dreams in a Desert* by Olive Schreiner and *The Science of Society* by Stephen P. Andrews.
24. Examples of the difference between the Americans and the British on interest occur in *Liberty* 10 (May 19, 1894): 8 and *Liberty* 10 (July 28, 1894): 8–9, between the American Hugo Bilgram and the British J. Greevz Fisher.
25. *Liberty* 15 (August 1906): 24–34.
26. Henry Appleton wrote under the pseudonym of Honorius; Sidney H. Morse used Phillip.
27. Paul Avrich, *An American Anarchist: The Life of Voltairine de Cleyre,* (Princeton, N.J.: Princeton University Press, 1978), p. 131.
28. George and Emma Schumm were instrumental in the publishing of *Libertas*, a German-language version of *Liberty* first announced by Tucker in *Liberty* 5 (December 31, 1887): 4.
29. These laws were, in part, a reaction to the assassination of President McKinley by a self-proclaimed anarchist.
30. In stressing the internationalism of this period, I do not mean to deny the unique and indigenous roots of American anarchism.
31. First published in 1880 under the title *Valley Falls Liberal, Lucifer, the Light Bearer* was one of the most important libertarian publications of its time. Its co-editor, E. C. Walker, was a prominent individualist anarchist. *Lucifer,* which changed its name to *The American Journal of Eugenics* in 1907, outlasted *Liberty.*
32. *Liberty* 8 (June 27, 1891): 1.
33. *Liberty* 8 (July 25, 1891): 1.
34. *Liberty* 3 (April 25, 1891): 4.
35. *Ibid.*
36. *Ibid.*
37. Tucker was mistaken in this hope. Byington went on to translate the Bible.
38. Byington's defense of missionaries was in *Liberty* 11 (September 7, 1895): 6–8.
39. Ezra Heywood, *Cupid's Yokes: or, The Binding Forces of Conjugal Life* (Princeton, Mass.: Co-operative Publishing Company, n.d.), p. 4.
40. Orvin Larson, *American Infidel: Robert G. Ingersoll* (Secaucus, N.J.: Citadel Press, 1962), p. 150.
41. *Liberty* 7 (May 24, 1890): 6.
42. For discussion of this matter and of free love in general, I would highly recommend Hal D. Sears, *The Sex Radicals* (Lawrence, Kans.: Regents Press, 1977).
43. First advertised in *Liberty* 1 (July 22, 1882): 4.
44. *Ibid.*
45. *Liberty* 2 (August 23, 1884): 4.
46. *Liberty* 1 (May 27, 1882): 2.
47. *Liberty* 6 (February 15, 1890): 7.
48. Lewis Perry, *Radical Abolitionism* (Ithaca, N.Y. and London: Cornell University Press, 1973), p. 200.
49. *Liberty* 1 (June 10, 1882): 4.
50. There were individuals who were not "hard-line" about this issue (such as Joseph Labadie), but they were exceptional and never made it a point of debate.
51. *Liberty* 4 (April 17, 1886): 4.
52. *Ibid.*
53. *Liberty* 4 (May 1, 1886): 5.
54. *Liberty* 4 (February 26, 1887): 4.
55. *Liberty* 12 (November 1896): 3.
56. *Ibid.*
57. *Ibid.*, p. 5.
58. *Liberty* 12 (December 1896): 5.
59. *Ibid.*, p. 3.

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60. *Liberty*'s response to the July 16, 1881 meeting of the Working People's International exemplified Tucker's enthusiasm for such labor organizations. Tucker proclaimed it to be "a momentous event, which marks an epoch in the progress of the great labor movement" and commissioned a special correspondent whose reports may have been the first accounts of that International published in America. Wm. B. Greene, one of Tucker's mentors, wrote a comprehensive exposition of the International's principles, *International Address,* which was widely advertised by *Liberty*. With the expulsion of Woodhull and the International's hostility to anarchism, however, Tucker's interest waned and the organization was mentioned with decreasing frequency. See *Liberty* 1 (August 20, 1881): 2.
61. For further discussion of this trend, I would recommend Murray Rothbard's *Left and Right* (San Francisco: Cato Institute, 1979).
62. Charles Burgess, *Harvard Educational Review* 46, no. 2 (May 1976): 201.

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A Note on Corruption by Public Officials: The Black Market for Property Rights*

by Bruce L. Benson

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> Every individual seeks those property rights modifications which he believes will improve his welfare. Since property rights condition behavior, he seeks those modifications which will induce others to make choices conveying on him an increased sense of satisfaction.
>
> Stubblebine[1]

> Opportunities for gain, whether pecuniary profit or other advantage, accrue to those who can use government.... If income distribution and risk allocation is a partial function of law then the law is an object of control for economic or other gain...whether the instances be tariff protection, oil subsidies, real estate agents' attempt to ban "for sale" signs on private homes or any other type of property right.
>
> Samuels[2]

> Black Market: Illegal market in which a good is sold for more than its legal ceiling price. The good may or may not be rationed. If it is, experience indicates that the criteria used for rationing are virtually certain to create skullduggery and inequalities.
>
> Spencer[3]

These quotes summarize the basic components of the following argument. It is not a complex argument. A student in an economics principles course should follow it easily because all that is claimed is that illegal activities by government officials are able to occur for the same reason that many private individuals can commit illegal acts. Illegal activities in the private sector arise because the market mechanism is not allowed to perform its allocative functions. Often when government action creates a shortage by preventing the sale of a good or service at a freely determined market price, there are some individuals in the private sector who are willing to both buy and sell on the black market. This occurs even when production of the commodity is illegal. On the other hand, government action may lead to a surplus. In such cases some individual suppliers are often willing to illegally lower prices or make payments to willing buyers (bribery). This situation is

*I wish to thank Murray Rothbard for helpful suggestions.

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typically not referred to as a black market but it certainly is an illegal market (e.g., illegal aliens usually supply their labor services at a price below the legal minimum wage). All such illegal markets are able to exist because statutes or other government regulations prevent a competitive free-market allocation. Illegal actions on the part of government officials are able to exist for the same reason.[4]

Governments govern by creating and assigning property rights and by more or less continually modifying these rights. Some rights modifications made by government prevent the property, or certain uses of the property, from being exchanged in legal private markets. Almost inevitably an illegal market arises since property rights assignments have an important impact on the distribution of income and wealth. Rights in one's possession can have considerable value because of the authority they create to control the use of property. In addition, modification of another's property rights can be beneficial since rights condition behavior. Thus, an individual (or group) will seek new rights whenever use of something becomes desirable, and he will demand modification of existing rights if the modification provides incentives for others to behave in ways that benefit him (given that the benefits offset any costs associated with obtaining the rights modification).

Property rights can be and are modified through exchange in private sector markets. Such exchanges occur any time a commodity is traded. Modifications can occur without total transfer of property however. The control of various uses of property is often divided up and held by different individuals or groups (e.g., the separation of mineral rights from other land use rights). The government can take property rights from private individuals and, in doing so, create a shortage by making private exchanges illegal. Private black markets arise in many such instances, of course. This occurs when the illegal market is difficult to detect and control. For example, rights may be associated with a non-durable, easily transported commodity (e.g., liquor during prohibition and the wartime price control periods, heroin, domestic oil subject to price control, etc.), or with an immediately consumed service (e.g., gambling, prostitution, etc.). These types of goods and services readily lend themselves to a black market situation. Of course, private black markets may arise for many durable, immobile commodities if the market cannot be easily controlled. During World War II when price controls were very extensive, the number of black markets made control of any one very unlikely. Many other examples of private sector black markets could be cited. However, that is not our purpose. Instead, we are interested in situations where public officials are the black marketeers.[5]

Whenever an illegal property rights modification cannot be easily hidden, the modification must be made to appear legal. Therefore, private sector black marketeers cannot provide such a modification. This may be because the property involved is highly visible and a change in use or user can be easily detected. Perhaps the property is durable and immobile (e.g.,

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land subject to zoning or other use restrictions), or the property is subject to close scrutiny by government officials or the public for some reason (e.g., highly regulated industries like railroads or banking where almost any change in use or ownership requires regulatory approval). Many examples could be cited. All involve a change in property use which is illegal and therefore cannot take place in a free market.[6] Furthermore, the change in use is so visible that a private black market will not perform the rights modification.[7] The needed property rights must be obtained from a government official because it must appear to be legal.[8]

There are many instances where private sector black markets could be prevented or severely limited through *relatively* inexpensive enforcement efforts. In such cases the public officials designated to prevent these black markets are provided with a valuable set of property rights to sell. They can allow specific private sector black marketeers to operate while preventing other potential black marketeers from entering the illegal market. In other words, these officials can sell (and then enforce) the rights to be a monopolist in a private sector black market. Thomas Schelling has suggested, for example, that "organized crime is usually monopolized crime."[9] Paul Rubin and Annelise Anderson both maintain that one reason these criminal firms possess market power is that they face economies of scale in "buying both police inaction and corruption at other points in the criminal justice system."[10] Demsetz has explained that economies of scale are not a sufficient condition for monopoly pricing, however.[11] The ability to exploit a monopoly position, even in an illegal market, appears to result from *selective* entry restrictions established by government. In this instance, all entry is illegal but corrupt public officials sell the right to produce to selected illegal firms. Thus, a black market for property rights controlled by public officials enables a private sector black market to operate.

Government black markets also arise when the desired rights are associated with scarce, publicly owned property for which there are inadequate substitutes available in the private sector. Obviously in such cases the private sector cannot supply the desired rights in either legal or black markets. The rights are allocated through the political process just as regulation allocates restricted rights to various uses of private property.[12] A free-market allocation is not possible but a government black market is. Thus, we find corruption (e.g., the Teapot Dome Scandal).[13]

The above discussion indicates that political corruption can arise when the government is the only possible supplier of some property right which, through government restrictive action, is in short supply. Corruption also occurs when the government purchases goods or services. However, such situations can also be explained as being a black market for property rights.

Susan Rose-Ackerman delineated the possibilities for corruption when government buys from the private sector. She noted that there is no opportunity for corruption when the government is just one of many competitive

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buyers in a competitive market.[14] Perfect competition can occur only when rights are privately held.[15] Corruption can occur, however, when government has market power as a buyer. When government is a large and important buyer, a private sector seller may be willing to bribe a public official. Such bribery may occur for one of two reasons.[16]

First, suppliers may pay to obtain the *right* to be the exclusive supplier of government needs for the product in question. Willingness to pay a bribe in this case implies that there are others who would supply the good if they could. That is, the price the government is expected to set is higher than a market determined price would be. Furthermore, the revenues to the exclusive supplier must exceed the amount necessary to provide a normal return in a market situation. The bribe is considered a cost of production by the firm, so revenues have to be higher by at least the amount of the bribe.

The second reason a supplier may be willing to bribe a government official arises when the seller is already the only supplier. Rose-Ackerman explained that, in this bilateral monopoly setting, "the efficiency of bribery depends upon the relative bargaining strength of the participants in the absence of payoffs. If the seller believes he can appropriate most of the surplus 'fairly' he is unlikely to engage in corruption."[17] In other words, when the supplier is able to exploit his monopoly position, there is no need for a bribe. Corruption arises when the government has bargaining power strong enough to prevent the supplier from acting as a monopolist. The supplier must, consequently, purchase a rights modification that allows him to set price (or at least have more control over price).

Corruption in a bilateral monopoly situation cannot be explained as arising directly from excess demand or excess supply. However, if the supplier is a monopolist, resources are not optimally allocated by the market. In theory a monopoly may exist because of market failure (natural monopoly).[18] In practice, however, monopoly power arises because of government rights modifications which prevent free entry (through patents, exclusive contracts, licenses, regulatory restrictions on entry, etc.).[19] Thus, corruption in a bilateral monopoly also arises because government action prevents the market from performing an allocative function. The market cannot guide more resources into production of the commodity in question, because free entry into the market is not permitted.

Corruption, once again, is a black market allocative function. Even though the government is on the buying side of the market, public officials still have scarce rights to sell. When more potential producers exist (given expected prices) than are required to provide the desired quantity of a good, government must assign the rights to produce that good. Typically this is an exclusive (monopoly) right since only one firm receives a contract. Even when there is not a potential excess supply, corruption can exist if contract negotiations are characterized by a bilateral monopoly, given that the government is in a relatively strong bargaining position. The supplier may be

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willing to purchase a rights modification which allows exploitation of his monopoly position.

In one sense the arguments made here are trivial. It is pointed out that black markets may arise any time the government modifies property rights and, in doing so, prevents the free-market allocation of goods or resources. Obviously activities cannot be illegal until government declares them to be. However, there is more to our argument than this. Corruption by government officials is shown to be a black market situation essentially like any private sector black market. Corruption arises because the free market cannot allocate certain desired property rights. When, for various reasons, an illegal rights allocation must appear legal, the only possible black marketeers are government officials. This occurs when the desired rights are associated with publicly owned property, or when an illegal change in private property use or user is easily detectable. Government officials are also the only potential sellers of the right to supply goods and services to government.

Corruption, like a private black market, arises because government statutes, regulations, or purchases do not allow a free and competitive market allocation. This should not be taken to mean that government interference in the market system is always bad, for externalities exist which may justify collective action.[20] However, it does indicate that such government interferences always create opportunities for illegal activity. It has long been recognized that private sector illegal markets often arise following government manipulations of markets. Now we see that even when private sector illegal markets are not possible, public officials still are potential black marketeers. In fact, it is becoming increasingly apparent that corruption in the public sector is extremely widespread.[21] The primary implication of this presentation is that whenever limitations on private property rights are being considered by elected or appointed public officials (or desired by private sector individuals), it can be expected that private sector crime and/or public sector corruption will result. The added cost of preventing these illegal activities should be considered in the decision-making process. This is all the more reason to harken to the words of Blackstone:

> In vain it may be urged, that the good of the individual ought to yield to that of the community; for it would be dangerous to allow any private man, or even any public tribunal, to be judge of this common good, and to decide whether it be expedient or no. Besides the public good is in nothing more essentially interested than in the protection of every individual's private rights, as modelled by the municipal law.[22]

NOTES

1. William Craig Stubblebine, "On Property Rights and Institutions," in *The Economics of Legal Relationships*, ed. Henry Manne (St. Paul: West Publishing, 1972), p. 15.

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2. Warren Samuels, "Interrelations between Legal and Economic Processes," *Journal of Law and Economics* 14 (October 1971): 444.
3. Milton H. Spencer, *Contemporary Microeconomics* (New York: Worth Publishers, 1977), p. 482.
4. We are examining the reason for the existence of illegal activities. This is only part of the question of why such activities occur. In order to answer this larger question we would have to include a discussion of individual willingness to commit crimes. This part of the question has been analyzed by a list of sociologists, economists, psychiatrists, anthropologists and psychologists that is much too long to cite here.
5. Of course, private sector black markets may exist because of public official corruption. Individuals may have to purchase the right to operate in (and probably monopolize) the illegal market. This is often the case when police officers are corrupt, for example. Such corruption is examined below.
6. See for example the discussion of land use and building regulation in John A. Gardiner and Theodore R. Lyman, *Decisions for Sale: Corruption and Reform in Land-Use and Building Regulation* (New York: Praeger, 1978).
7. Actually, private sector black markets may still exist but they would involve corruption of law enforcement officials. Private black marketeers purchase the right to operate from public sector black marketeers.
8. In many cases, of course, individual public officials do not control property rights. When a rights modification must be performed by a legislature or commision, corruption of an individual official, or several, will improve the buyer's chances of obtaining the desired modifications.
9. Thomas Schelling, "What Is the Business of Organized Crime?" *American Scholar* 40 (Autumn 1971):643-52.
10. Annelise Anderson, *The Business of Organized Crime* (Stanford, Calif.: Hoover Institution Press, 1979), p. 58. See also Paul Rubin, "The Economic Theory of the Criminal Firm," in *The Economics of Crime and Punishment,* ed. S. Rottenberg (Washington, D.C.: American Enterprise Institute, 1979), pp. 155-56.
11. Harold Demsetz, "Why Regulate Utilities?" *Journal of Law and Economics* 11 (April 1968):55-65.
12. In fact, government allocation of rights to publicly owned property is really just a special case of government modification of rights to private property. See Bruce L. Benson, "Land Use Regulation: A Supply and Demand Analysis of Changing Property Rights," *Journal of Libertarian Studies* 5, no. 4, forthcoming. The government may take specific rights or all use-rights to private property and then assign them to individuals or groups. Typically the rights are assigned to satisfy the wishes of powerful political interest groups. See the following papers by Benson: "Land Use Regulation"; "Observations on the Supply of Regulation in the Context of Stigler's Theory of Economic Regulation," Pennsylvania State University Working Paper (August 1979); "Regulation—The Demand and Supply of Property Rights," *Appalachian Business Review* 8 (Special Issue on Regulation) (1982):22-28; and "The Economic Theory of Regulation as an Explanation of Policies Towards Bank Mergers and Holding Company Acquisitions," *Antitrust Bulletin,* forthcoming. Of course, when black markets arise political power is a less significant determinant of the allocation of rights.
13. Another example is patronage—the sale of an office. Payments need not be monetary, of course, but the ability to provide a relative or supporter with a job which many others want often leads to corruption.
14. Susan Rose-Ackerman, "The Economics of Corruption," *Journal of Public Economics* 4 (February 1975): 188.
15. Rights are attenuated when they differ from a specific "non-attenuated" state. Furubotn defined this non-attenuated state when he wrote: "Non-attenuated implies a state of affairs in which each resource owner possesses the bundle of rights given sanction in an indealized capitalist system" (E. Furubotn, "The Role of Non-Attenuated Rights in Positive Economics: Comment," Texas A&M University Working Paper [1978]).

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16. See Rose-Ackerman, "Economics of Corruption," for a more detailed discussion of these two possibilities.
17. Rose-Ackerman, "Economics of Corruption," p. 198.
18. Demsetz argues convincingly that natural monopoly is not a sufficient condition for monopoly pricing, however. See his "Why Regulate Utilities?"
19. For a discussion of monopoly due to government restrictions on free entry, see Demsetz, "Two Systems of Belief About Monopoly," in *Industrial Concentration: The New Leaning,* ed. H. Goldschmid, H. Mann, and J. Westen (Boston: Little, Brown and Co., 1974).
20. Government intervention is not warranted just because externalities exist, of course. The social cost of the government action may exceed any social benefit from reduced externality. One of the social costs of government action is the additional cost which can be expected as a result of illegal private or public markets which generally accompany government intervention (e.g., policing costs). Furthermore, even though correction of externalities may be the excuse given for government intervention, the actual reason is probably quite different. Most if not all government action which is touted as being in the public interest is actually designed to benefit small, politically powerful special interests. See for example the following papers by Benson: "Land Use Regulation," "Observations on the Supply of Regulation," "Regulation—the Demand and Supply," and "Economic Theory of Regulation." Also see George Stigler, "The Theory of Economic Regulations," *Bell Journal of Economics and Management Science* 2 (Spring 1971):3-27.
21. See for example Edmund Blair Bolles, *How to Get Rich in Washington* (New York: W. W. Norton & Co., 1952); A. Eisenstadt, H. Hoogenboom, and H. Trefousse, eds., *Before Watergate* (New York: Brooklyn College Press, 1978); Gardiner and Lyman, *Decisions for Sale*; J. Gardiner and D. Olson, eds. *Theft of the City: Readings on Corruption in Urban America* (Bloomington, Ind.: Indiana University Press, 1974); K. Gibbons and D. Rowat, eds., *Political Corruption in Canada: Cases, Causes and Cures* (Toronto: McClelland and Stewart, 1976); A. Heidenheimer, ed., *Political Corruption: Readings in Comparative Analysis* (New York: Holt, Rinehart, and Winston, 1970); and L. Sherman, ed., *Police Corruption: A Sociological Perspective* (Garden City, N.Y.: Anchor Books, 1974). Many more examples could be cited.
22. William Blackstone, *Commentaries on Laws of England* (Chicago: Callaghan and Co., 1899), p. 128.

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The "Criminal" Metaphor in the Libertarian Tradition

by Carl Watner
Baltimore, Maryland

During the last 350 years of constitutional and political struggle in England and the United States, perhaps the most libertarian image to be invoked by political theorists has been the comparison of existing, so-called "legitimate" governments to "organized gangs of banditti, pirates, highwaymen, and robbers." Such metaphors have been a constantly recurring theme because the central thrust of libertarian thinking is to oppose any and all forms of invasion against property rights of individuals, in their own persons and in the material objects they have voluntarily acquired.[1] The Levellers and other opponents of King Charles I and Oliver Cromwell were among the first to challenge the legitimacy of governments as being tyrannical and unjust. The rebels in the American colonies based their revolt against the English Crown on similar grounds of natural law, as outlined in the Declaration of Independence. Early antislavery radicals in both countries extended their libertarian arguments against slavery and challenged any government that sanctioned a violation of man's natural rights. Propelled by the logic of the natural law tradition and the events of the American Civil War, Lysander Spooner relied heavily on the "criminal" metaphor to buttress his arguments for individualist anarchism.

The doctrine of natural liberty is ultimately grounded on two premises which are necessary to the understanding of why governments are "criminal." By the self-ownership axiom, every individual has an absolute right to his or her own mind and body and the labor thereof; i.e., each person has the right to control that mind and body free of coercive interference. By the homesteading axiom, the first user, the first person who transforms and uses previously unclaimed and unused resources, becomes their absolute owner.[2] Since people must live in a particular place and their labor must be applied to the material objects around them, they rightfully become the owners of hitherto unclaimed and untransformed natural resources. As defined by libertarianism, freedom is a condition in which a person's ownership rights of his own body and of his legitimately (according to libertarian principles) acquired material property are neither invaded nor aggressed against. Crime, in the same context, is an act of aggression against these

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property rights, either in an individual's own person or in his materially owned objects.[3]

Most people would probably support the libertarian rejection of crime in their personal dealings. They would reject the use of violence, such as murder, theft, kidnapping and extortion. The uniqueness of libertarianism consists in the manner in which this principle of non-aggression is developed.[4] To the libertarian, it matters neither who commits a crime, nor how many are involved in sanctioning its commission. As one early libertarian said:

> Whatever constitutes despotism or cruelty will be continually the same. Considerations of rank and power can never alter the genuine character of human action: if the scymeter is stained with innocent blood, it matters nothing whether the fatal blow was struck by a monarch or a robber. Oppression and crime are the same in every corner of the globe; the experience of mankind with respect to their characteristics will be constant and uniform; upon those subjects, therefore, the sentence of human understanding will be ever steady and correspondent.[5]

In other words, for the libertarian, "Crime is crime, aggression against rights is aggression, no matter how many citizens agree to the oppression." "Even if 90 percent of the people decided to murder or enslave the other 10 percent, this would *still* be murder and slavery."[6] Libertarians unanimously endorse respect for individual rights and they conclude that the only possible crime among men is the violation of individual rights. The important consideration for libertarians is that individuals are always responsible for a violation of rights. Groups never act; it is always and necessarily individual members of the group who commit crimes in the name of the larger organization. "Men never lose their individuality. Though in authority, they are still men and act as men.... The acts of a government are acts of individuals—of individual men, whose accountability is in no respect changed by their official character."[7]

The natural law tradition affirms the libertarian attitude towards crime and aggression. The philosophy of natural law defends the rational dignity of the human individual. It provides the only basis on which the individual may rightfully criticize, in word and deed, every institution and social structure which is incompatible with the universally held moral principles of natural law.[8] In his discourse on "The People's Ancient and Just Liberties," William Penn outlined the contents of the natural law, which he considered fundamental and immutable:

> By [these] we understand such laws as enjoin men to be just, honest, virtuous, to do no wrong, to kill, rob, deceive, prejudice none; but to do as one would be done unto; to cherish good and to terrify wicked men; in short, Universal Reason, which are not subject to any revolution, because no emergency, time or occasion, can ever justify a suspension of their execution, much less their utter abrogation.[9]

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Under this interpretation, no man-made law which conflicts with the natural law of honest dealing and non-aggression is considered binding. An unjust law binds no one, according to the libertarian, since a law higher than that of government holds the individual responsible for his actions. One of the Leveller leaders in the struggle against Charles I thought that:

> the Law taken from its original reason and end is made a shell without a kernel, a shadow without a substance, a carcass without life: for the equity and reason thereof is that which gives it *a legal being and life,* and makes it authoritative and binding. If this be not granted, injustice may be a Law, tyranny may be a Law, lust, will, pride, covetousness and what not? may be Laws.

In his opinion:

> Had there been the letter of the Law directly against me, yea if it were contradicted by the equity of the Law, I had not been at all bound thereto, except to oppose it: for the Letter if it control and overthrow the Equity, it is to be so controlled and overthrown itself, upon peril of treason to the Equity, and the Equity to be preserved is the only thing legally obligatory and binding.[10]

An eighteenth-century libertarian summed up this point of view when he declared that "'the Powers that be' cannot bind the conscience when they exceed *just limits,* any more than the threats of *lawless Banditti*" can succeed in demanding obedience.[11]

One of the basic corollaries of libertarian thinking is that it is wrong to engage in aggression against non-aggressors. According to libertarian doctrine, an aggressor, to the extent he invades another's person or property, loses his own individual rights. The person so invaded may resort to violence in self-defense. In nearly all times and places, this defensive principle has been recognized as the right of the individual against the criminal. It has also been used as the only true basis for revolution against unjust and tyrannical governments. Richard Overton, who was arbitrarily arrested and imprisoned by the House of Lords in 1647, argued that:

> in pursuance of the just and necessary *defensive opposition* we may lawfully, and are in Conscience bound to destroy, kill and slay the otherwise irresistible enemy for our own preservation and safety, whether they attack us in our lives, our Laws, or our liberties: And against the justice of this *defensive principle,* no degrees, Orders, or titles among men can or may prevail.[12]

In his struggle with the government, Overton claimed that government laws which were consistent with natural law could be turned against the government itself. Having been arrested without a valid, legal warrant, he argued:

> For if assaulting men's persons, invading and entering their houses, and taking what of their goods such men please [as had happened in his own

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> case] and that all by a force of Arms, be simply a Magisterial Act, then all thieves and murderers are justified thereby; for their violence is without any Magisterial Authority appearing; but by the Law it is therefore adjusted theft and murder, etc.[13]

Under such circumstances, "the persons invaded and assaulted by such open force of Arms may lawfully arm themselves, fortify their houses (which are their Castles in the judgement of the Law) against them, yea, disarm, beat, wound, repress, and kill them in their just necessary defense of their own persons, houses, goods, wives and families, and not be guilty of the least offense."[14]

One hundred years later, Granville Sharp used similar reasoning to denounce the unlawfulness of the press gang. Those who resisted the impressment officers, Sharp maintained, were acting legally in defense of their own rightful freedom and against unjust violence. Such resisters were

> not deemed guilty of murder, even if they kill the assailants, provided the killing be inevitable in their defense; and that they cannot otherwise maintain their rights. Nay men are not only justified in defending themselves with force of arms, but may also legally defend and rescue any other persons whatever that are attacked or oppressed by unlawful violence.[15]

William Allen, a critic of Cromwell, in his written attack on the Protectorate, beautifully summed up the complementarity of the libertarian principles of self-defense and non-aggression. He pointed out that the "law of Nature gives every man to oppose Force with Force, and to make Justice where he finds none."[16] In this pamphlet, *Killing No Murder,* the author advocated the assassination of the tyrant Cromwell and made these highly libertarian pronouncements:

> For what can be more absurd in Nature and contrary to all common sense, than to call him Thief and kill him that comes alone or with a few to rob me; and to call him Lord Protector and obey him that robs me with regiments and troops? As if to rove with 2 or 3 ships were to be a Pirate, but with 50 an Admiral? But if it be the number of Adherents only, not the cause, that makes the difference between a Robber and a Protector: I will that number were defined, that we might know where the Thief ends and the Prince begins. And be able to distinguish between a Robbery and a Tax. But sure no Englishman can be ignorant that it is his Birthright to be Master of his own estate; and that none can command any part of it but by his own grant and consent, either made expressly by himself, or Virtually by a Parliament. All other names are mere Robberies in other names.... To rob, to extort, to murder Tyrants falsely called to govern, and to make a desolation, they call to settle peace: in every assessment we are robbed, the excise is robbery, the customs is robbery, and without doubt, whenever tis prudent, tis always lawful to kill the Thieves whom we can bring to no other justice. And not only lawful, and to do ourselves right, but Glorious and to

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> deliver mankind, to free the world of that common Robber, that universal Pirate under whom and for whom these lesser beasts prey.[17]

Two hundred years later these same sentiments were expressed by a radical abolitionist in a slightly different context. Henry Clarke Wright, an associate of Garrison in the abolition struggle, had exactly the same attitude towards government:

> States and Nations are to be regarded as we regard combinations of men to pick pockets, to steal sheep, to rob on the road, to steal men, to range over the sea as pirates—only on a larger and more imposing scale. When men steal, rob and murder as states and nations, it gives respectability to crime—the enormity of their crimes is lost sight of, amid the imposing number that commit them, and amid the glitter and pomp of equipage. The little band of thieves is scorned and hunted down as a felon; the great, or governmental band of thieves, is made respectable by numbers, and their crimes cease to be criminal and hateful in proportion to the number combined to do them. If a community of ten commit piracy, they are all hung, and a man is made infamous if he joins this *little* band of pirates; but if a community of 25,000,000, called Great Britain or Austria, do the same deed, it is all right, and Christian, and heaven-ordained, and a man is made infamous if he refuses to join this *great* band of pirates. Such reasoning is most false. I cast it from me. I can no more join a community of 25,000,000, that exists by plunder and murder, than I can join one composed of ten.[18]

Almost all of the antislavery radicals of the late-eighteenth and nineteenth centuries were repelled by the idea that the local law of slave communities could establish a condition which infringed upon basic human rights. If there were no eternal laws which applied equally to all men, then any kind of banditry might be cloaked in legal forms.[19] If governments were allowed to justify slavery and the slave trade, then they could justify any form of crime. In order to reject government sanction of slavery, these radical libertarians had to establish a theory of proprietary justice independent of government law and not subject to re-definition by government. They did this by referring back to the natural law tradition and by accepting the self-ownership axiom.

Thomas Paine, an early supporter of the American Revolution, was a critic of slavery and the slave trade. Paine equated slavery with man-stealing and kidnapping. For him, the buying and selling of slaves was not an ordinary commercial transaction. The equation of slaves with stolen property had radical implications for Paine:

> Such men [the purchasers of slaves] may as well join with a known band of robbers, buy their ill-gotten goods, and help on the trade; ignorance is no more pleadable in one case than in the other; the sellers plainly own how they obtain them [the slaves]. But none can lawfully buy without evidence that they are not concurring with men-stealers; and as the true owner has a right to reclaim his goods that were stolen, and sold; so

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> the slave, who is the proper owner of his freedom, has a right to reclaim it, however often sold.[20]

Since slaves were "stolen" men, it was a simple step to equate slave traders with pirates and robbers. Paine enunciated a dual libertarian argument. Each slave, being a person, was entitled to self-ownership rights. Moreover, since every owner could rightfully recover stolen property that belonged to him, regardless of how many times over it had been sold, a slave could legitimately reclaim his freedom at any time. A thief could never divest the rightful owner of property of his title, even if an innocent purchaser bought the stolen property in good faith. In this fashion, the early radicals made a telling case for justice in property titles.

Also, as Paine pointed out, when "innocent" purchasers were "buying" men, it was impossible that they claim ignorance as an excuse. That the claim of a slave to his freedom was necessarily stronger than the claim of an owner whose chattels were stolen was pointed out by Samuel Hopkins in 1776:

> If your neighbor buys a horse...of any thief who stole it from you, while he had no thought it was stolen, would you not think you had a right to demand your horse of your neighbor, and pronounce him very unjust if he should refuse to deliver him to you...? And have not your [African] servants as great a right to themselves, to their liberty, as you have to your stolen horse? They have been stolen and sold, and when you bought them, in your own wrong, you had much more reason to think they were stolen than he who bought your horse.[21]

Hopkins also compared slave traders to pirates, much to their discomfort:

> It is granted by all, that common pirates may be punished by the laws of any state, when apprehended, wherever or in whatever part of the world their crimes were committed.... The slave trader who buys and sells his fellow men, by which traffic he is the death of many, and of reducing others to the most miserable bondage during life, is as really an enemy to mankind as the pirate, and violates common law, which is, or ought to be, the law of all nations, and is guilty of crimes of greater magnitude, exercises more inhumanity and cruelty, sheds more blood and plunders more, and commits greater outrages against his fellow men than most of those who are called pirates. In short, if any men deserve the name of pirates, these [slave traders] ought to be considered in the first and highest class of them.[22]

Perhaps the most vigorous of the antislavery radicals was Henry Clarke Wright. He was one of the few who extended his argument for abolition of slavery to include abolition of the state that sanctioned slavery. Wright saw that if he were successful in using natural law to nullify state-sanctioned slavery, then he could, on similar grounds, attack other forms of state tyranny, such as conscription and taxation. No government that upheld such injustices could be legitimate in his eyes. In his most radical pamphlet,

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No Rights, No Duties, he consistently used the "criminal" metaphor to make his points against governments and slavery. "The thesis he presented was simple. Slaves have no obligation at all to their masters, who good or bad, deserve no more respect or consideration than a gang of pirates or kidnappers. Freedom must be won by the slaves themselves in alliance with their sympathizers among white freemen—by all and every means that the latter would feel justified in using against 'burglars, incendiaries, and highway robbers', who might threaten them."[23] Wright argued that:

> The individual pirate, as a pirate, has no rights. No laws nor constitutions of human device can create for and secure to him any rights; and if they attempt to do so, it is the duty of all to ignore such rights, and trample such enactments beneath their feet. This is true of all who hold and use human beings as chattels.[24]
>
> A corporate body of pirates, though called a State or nation, can have no rights. It is an organized, systematized banditti, and any individual or State is authorized to destroy it. So, a corporate body of slaveholders, though called Virginia, Maryland, Kentucky, or Missouri, is a self-incorporated body of marauders, and as such, any man, or set of men is authorized to destroy it.[25]
>
> All efforts to compromise with slavery and those who embody it, for any cause, is to compound with rape, robbery, and piracy: is to complot with "the sum of all villany."... It is the sacred duty of the people and States of the North to side with the slaves. As in a conflict between a band of highway robbers or pirates, and those whom they would plunder and murder, it is their duty to side with the wronged and the outraged.[26]

Wright claimed that the basis of every governmental organization in America was the right of every person to defend his life, liberty, and property. This was the essence of the American Revolution and was embodied in the Declaration of Independence. The supporters of the Constitution were inconsistent if they refused to allow slaves to exercise this right of self-defense. "If all highway robbers, midnight assassins, or pirates, or all organized bands of such marauders and desperadoes, have forfeited all rights, and if any man or set of men has a right to exterminate them, then...slaveholders and slaveholding States [have] forfeited all their rights, and the people and States of the North have a right to exterminate them on their own territory, or wherever they may exist."[27] The motto that Wright chose for his title, *No Rights, No Duties,* meant that "no slaveholder, as such, has any rights, and that no man owes him any duties, except to compel him to cease to steal and enslave men, and to let the oppressed go free."[28]

All of Wright's reasoning was in accord with natural law thinking about the subject. A hundred years earlier, another natural law lawyer, Thomas Rutherforth, had written in his *Institutes of Natural Law* that:

> A band of robbers or a company of pirates may be in fact united to one another by compact; and may have stipulated with one another in this

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> compact to be directed by the common understanding and to act by the common force for their general benefit. But they are still by the law of nature only a number of unconnected individuals; and consequently in the view of the law of nations, they are not considered as one collective body or public person. For the compact, by which they united themselves, is void: because the matter of it is unlawful. The individuals, that form themselves into a civil society, are bound by their social compact to pursue and maintain a common benefit: but this common benefit is such an one, as is intended to be consistent with the obligations which they are naturally under to the rest of mankind. Whereas the common benefit, which a band of robbers or a company of pirates propose to themselves, consists in doing harm to the rest of mankind.[29]

Although some natural law thinkers have placed credence in a so-called social contract theory, others have delved behind the origins of government. The very fact that all governments are coercive is *prima facie* evidence that they originated in and perpetuate themselves by violence. Thomas Paine pointed out that

> it is more than probable, could we take off the dark covering of antiquity and trace them [kings and their government] to their first rise, we should find the first of them nothing better than the principal ruffian of some restless gang, whose savage manners or preeminence in subtility obtained him the title of chief among plunderers; and who by increasing in power, and extending his depredations, overawed the quiet and defenceless, to purchase their safety by frequent contributions.[30]

Lysander Spooner, another great nineteenth-century radical who was probably the only constitutional lawyer to evolve into an individualist anarchist, confirmed Paine's suspicions about the origins of government. In his pamphlet, *Natural Law or the Science of Justice,* which was subtitled, "A Treatise on Natural Law, Natural Justice, Natural Rights, Natural Liberty, and Natural Society; Showing That All Legislation Whatsoever is an Absurdity, A Usurpation, and a Crime," Spooner wrote:

> All the great governments of the world—those now existing as well as those that have passed away—have been of this character. They have been mere bands of robbers, who have associated for purposes of plunder, conquest, and the enslavement of their fellow men. And their laws, as they have called them, have only been such agreements as they have found it necessary to enter into, in order to maintain their organizations, and act together in plundering and enslaving others, and in securing to each his agreed share of the spoils.
>
> All these laws have had no more real obligation than have the agreements which brigands, bandits, and pirates find it necessary to enter into with each other, for the more successful accomplishment of their crimes, and the more peaceable division of their spoils.[31]

According to the libertarian view, all governments exhibit at least two fundamentally aggressive, and therefore criminal, attributes. First, govern-

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ments obtain their revenue by means of taxation; that is, by compulsory levy. Taxation is contrary to the basic principles of libertarianism because it involves aggression against non-aggressive citizens who refuse to pay their taxes. It makes no difference that the government offers goods and services in return for the tax money. What matters is that taxation is not voluntary. Secondly, all governments presume to establish compulsory monopolies of defense services (police, courts, and law code) over certain geographical areas. Even if governments were financed by "voluntary" contributions, their second aggressive feature would remain. Individual property owners who prefer not to subscribe at all or to subscribe to another defense company within that area are not permitted to do so. Government, apart from individual outlaws, is the only organization in society that can use its funds to commit violence against its subjects. Only the government is empowered to aggress against the property rights of its citizens, whether to extract revenue or to impose its own moral code.[32] This analysis leads directly to the two most important questions of political philosophy: What distinguishes the edicts of the State from the commands of a bandit gang? and Can taxation be defined in such a way as to make it different from robbery?[33] In his appendix on "Taxation" which appeared in his book *Trial by Jury,* Spooner answered these questions thus:

> To take a man's property without his consent is robbery; and to assume his consent where no consent is given, makes the taking none the less robbery. If it did not, the highwayman has the same right to assume a man's consent to part with his purse, that any other man, or body of men, can have. And his assumption would afford as much moral justification for his robbery as does a like assumption, on the part of the government, for taking a man's property without his consent. The government's pretense of protecting him, as an equivalent for the taxation, affords no justification. It is for himself to decide whether he desires such protection as the government offers him. If he does not desire it, or does not bargain for it, the government has no more right, than any other insurance company to impose it upon him, or make him pay for it.[34]

Until the American Civil War proved him wrong, Spooner had believed that the American government and Constitution were based on the "consent of the governed." Although slaveholders were themselves in violation of natural law doctrine, Spooner maintained that they still had the right to secede from the Union. To be taxed against their will and to be held to membership in an association to which they did not wish to belong was contrary to the principles of a voluntary government. In 1867, in the second part of his pamphlet series, *No Treason,* Spooner wrote that there is no middle ground between taxation and consent:

> Either "taxation without consent is robbery," or it is not. If it is *not*, then any number of men, who choose, may at any time associate; call

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themselves a government; assume absolute authority over all weaker than themselves; plunder them at will, and kill them if they resist it. If, on the other hand, "taxation without consent *is* robbery," it necessarily follows that every man who has not consented to be taxed, has the same natural right to defend his property against a tax gatherer, that he has to defend it against a highwayman.[35]

In Part VI of *No Treason* we find Spooner's analysis of the State as a robber group, which "is perhaps the most devastating ever written"[36]:

It is true that the *theory* of our Constitution is, that all taxes are paid voluntarily; that our government is a mutual insurance company, voluntarily entered into by the people with each other; that each man makes a free and purely voluntary contract with all others who are parties to the Constitution, to pay so much money for so much protection, the same as he does with any other insurance company; and that he is just as free not to be protected, and not to pay any tax, as he is to pay a tax, and be protected.

But this theory of our government is wholly different from the practical fact. The fact is that the government, like a highwayman, says to a man: "Your money, or your life." And many, if not most, taxes are paid under the compulsion of that threat.

The government does not, indeed, waylay a man in a lonely place, spring upon him from the roadside, and holding a pistol to his head, proceed to rifle his pockets. But the robbery is none the less a robbery on that account; and it is far more dastardly and shameful.

The highwayman takes solely upon himself the responsibility, danger, and crime of his own act. He does not pretend that he has any rightful claim to your money, or that he intends to use it for your own benefit. He does not pretend to be anything but a robber. He has not acquired impudence enough to profess to be merely a "protector," and that he takes men's money against their will, merely to enable him to "protect" those infatuated travellers, who feel perfectly able to protect themselves, or do not appreciate his peculiar system of protection. He is too sensible a man to make such professions as these. Furthermore, having taken your money, he leaves you, as you wish him to do. He does not persist in following you on the road, against your will; assuming to be your rightful "sovereign," on account of the "protection" he affords you. He does not keep "protecting" you, by commanding you to bow down and serve him; by requiring you to do this, and forbidding you to do that; by robbing you of more money as often as he finds it for his interest or pleasure to do so; and by branding you as a rebel, a traitor, an enemy to your country, and shooting you down without mercy, if you dispute his authority, or resist his demands. He is too much of a gentleman to be guilty of such impostures, and insults, and villainies as these. In short, he does not, in addition to robbing you, attempt to make you either his dupe or his slave.

The proceedings of those robbers and murderers, who call themselves "the government," are directly the opposite of these of the single highwayman.

In the first place, they do not, like him, make themselves individually

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> known; or, consequently, take upon themselves personally the responsibility of their acts. On the contrary, they secretly (by secret ballot) designate some one of their number to commit the robbery in their behalf, while they keep themselves practically concealed.[37]

Spooner claimed that the secret ballot makes a secret government, "and a secret government is a secret band of robbers and murderers."[38] The secret ballot was in effect, "a tacit understanding between A, B, and C, that they will, by ballot, depute D as their agent, to deprive" men of their property. Such a tacit understanding in no way empowers D to act for them and "he is none the less a robber, tyrant, murderer, because he claims to act as their agent, than he would if he avowedly acted on his own responsibility."[39]

It was Spooner's contention that no government could excuse itself from a violation of the individual's right to property and person. He was appalled by the government's resort to conscription during the Civil War, and by its issuance of legal tender notes. The legal tender decisions of the Supreme Court especially upset Spooner because they were entirely contrary to his theory of justice and property. In his own satirical way, he recommended the practices of the Supreme Court to all bandit gangs:

> If a company of bandits were to seize a man's property for their own uses, and give him their note, promising to pay him out of their future robberies, the transaction would not be considered a very legitimate one. But it would be intrinsically just as legitimate as is the one which the Supreme Court sanctions on the part of Congress [in regard to the legal tender decisions].
>
> ...Banditti have not usually kept supreme courts of their own, to legalize either their robberies, or their promises to pay for past robberies, out of the proceeds of their future ones. Perhaps they may now take a lesson from our Supreme Court.[40]

The Lincoln administration also sought loans from abroad to bolster its sagging finances. Spooner was upset to discover that people would entrust their savings to such a government for such purposes as subduing the Southerners.

> This business of lending blood-money is one of the most thoroughly sordid, cold-blooded and criminal that was ever carried on, to any considerable extent, amongst human beings. It is like lending money to slave-traders, or common robbers and pirates, to be repaid out of their plunder. And the men who loan money to governments, so-called, for the purpose of enabling the latter to rob, enslave, and murder their people, are among the greatest villains that the world has ever seen. And they as much deserve to be hunted and killed (if they cannot be otherwise got rid of) as any slave-traders, robbers, or pirates that ever lived.[41]

Thus ends this survey of the "criminal" metaphor in libertarian thinking. Anyone who accepts the libertarian principles of self-ownership and homesteading and seriously reasons out their implications will eventually realize

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that the State is criminal. As has been pointed out, the mere fact that the State must exist by violence is sufficient evidence to brand it invasive. We need always fear and defend ourselves from the random violence of the lone criminal; but more importantly, we must never forget that the institutionalized violence committed upon us by the State is actually our greatest threat.

NOTES

1. See, for example, Murray Rothbard, *For a New Liberty* (New York: Macmillan Co., 1973), p. 47.
2. *Ibid.*, pp. 26, 35.
3. *Ibid.*, p. 43.
4. See Walter Block, "Introduction," *Defending the Undefendable* (New York: Fleet Press, 1976).
5. Tunis Wortman, *A Treatise Concerning Political Enquiry and the Liberty of the Press* (n.p., printed by George Forman, 1800), p. 60.
6. Rothbard, *For a New Liberty,* p. 53.
7. William Hosmer, *The Higher Law, in Its Relation to Civil Government* (1852; reprint ed., New York: Negro University Press, 1969), p. 53.
8. John Wild, *Plato's Modern Enemies and the Theory of Natural Law* (Chicago: University of Chicago Press, 1953), p. 176.
9. William Penn, *Selected Works* (London: James Philips, 1670), 1:112–13.
10. Richard Overton, *The Commoner's Complaint* (1646), pp. 6, 12. Copy obtained from the Henry E. Huntington Library, San Marino, California.
11. Granville Sharp, *A Declaration of the People's Natural Right to a Share in the Legislature, Which Is the Fundamental Principle of the British Constitution of State* (1774; reprint ed., New York: Da Capo Press, 1971), p. 240.
12. Overton, *An Appeale from the Degenerate Representative Body* (1647), in Don M. Wolfe, ed., *Leveller Manifestoes of the Puritan Revolution* (New York: Thomas Nelson and Sons, 1944), pp. 177–78.
13. Overton, *A Defiance Against All Arbitrary Usurpations* (1646), p. 10. Copy from the Huntington Library.
14. Overton, *An Arrow Against All Tyrants* (1646), p. 9. Copy from the Huntington Library. It was also reprinted by the Rota Press, University of Exeter, England, 1976.
15. Sharp, *An Address to the People of England: Being the Protest of a Private Person Against Every Suspension of Law That Is Liable to Injure and Endanger Personal Security* (London, 1778), p. 71. Copy from Duke University Library.
16. William Allen, *Killing No Murder* (London, 1659), p. 9. Copy from Huntington Library.
17. *Ibid.*, p. 8.
18. Letter from Henry Clarke Wright to *The Liberator* (c. March 1844), in Truman Nelson, ed., *Documents of Upheaval* (New York: Hill and Wang, 1966), p. 196.
19. David Brion Davis, *The Problem of Slavery in Western Culture* (Ithaca, N.Y.: Cornell University Press, 1966), pp. 416–17.
20. Thomas Paine, "African Slavery in America," in *The Works of Thomas Paine,* ed. William Vander Weyde, Patriot's Edition (New Rochelle, N.Y.: Thomas Paine Historical Association, 1925), 2:5. See also Davis, *The Problem of Slavery in the Age of Revolution* (Ithaca, N.Y.: Cornell University Press, 1975), p. 269.
21. Samuel Hopkins, *Timely Articles on Slavery* (reprint ed., Miami, Fla.: Mnemosyne Publishing, 1969), p. 575.
22. *Ibid.*, p. 622.
23. Peter Brock, *Pacifism in the U.S.* (Princeton: Princeton University Press, 1968), p. 684.
24. Henry C. Wright, *No Rights, No Duties* (Boston: printed for the author, 1860), p. 3. Copy from Library of Congress.
25. *Ibid.*, p. 4.

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26. *Ibid.*, p. 15.
27. *Ibid.*, p. 18.
28. *Ibid.*, p. 25.
29. Thomas Rutherforth, *Institutes of Natural Law* (1744), 3rd ed. (Whitehall: printed for William Young, bookseller, Philadelphia, 1799), 2:481–82.
30. Thomas Paine, *Common Sense,* pt. 2, "Of Monarchy and Hereditary Succession."
31. Lysander Spooner, *Natural Law; or the Science of Justice* (Boston: A. Williams, 1882), chap. 3, sec. 2, p. 18. Spooner's works have been collected by Charles Shively, ed., *The Collected Works of Lysander Spooner* (Weston, Mass.: M & S Press, 1971).
32. Rothbard, *For a New Liberty,* pp. 49–50.
33. *Ibid.*, p. 55.
34. Spooner, *An Essay on Trial by Jury* (Boston: J. P. Jewett & Co., 1852), app., "Taxation," p. 223.
35. Spooner, *No Treason,* pt. 2 (Boston: by the author, 1867), sec. 7, p. 13.
36. Rothbard, *For a New Liberty,* p. 55.
37. Spooner, *No Treason,* pt. 6 (Boston: by the author, 1870), sec. 3, pp. 12–14.
38. *Ibid.*, sec. 8, p. 29.
39. *Ibid.*, sec. 8, pp. 27–28.
40. Spooner, *A Letter to Grover Cleveland, on His False Inaugural Address, the Usurpations and Crimes of Lawmakers and Judges, and the Consequent Poverty, Ignorance, and Servitude of the People* (Boston: Benj. R. Tucker, 1886), sec. 20, p. 70.
41. Spooner, *No Treason,* pt. 6, sec. 18, p. 50.

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The Anti-war Abolitionists: The Peace Movement's Split over the Civil War

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Since the victors of warfare write the histories, one must look long and hard to find recognition of the radical critics of any given war. No matter how substantial or respectable anti-war sentiment may be as a conflict approaches, once the pro-war spirit gets rolling, like a snowball down a mountain, it sweeps aside everything in its path. The War between the States is no exception. In most accounts, the necessity of the War, as in most other wars, is taken for granted. Those who argued against it in advance are ignored (or forgotten) on the grounds that, since the war occurred, they must have been mistaken.[1] This is not to say that all the critics are dispensed with. Some serve useful purposes. The Copperheads, with their softness on the slavery issue and conservative longing for the status quo, cast a flattering light on the pro-war Radical Republicans in some observers' judgment.[2]

The Copperheads, however, were not the only opponents of the War and its militarization of American society. Other groups and individuals coupled a disgust for state warfare with abolitionist passion. In general, while wishing to see the horror of chattel slavery ended at once, they recognized that state warfare, total or limited, would bring horrors of its own. They were confident that abolitionist ends could be attained by other than military means.

These anti-war abolitionists were not a homogeneous group. Their philosophical roots were diverse, they differed on their proposed solutions, and they disagreed regarding the use of violence. Some were extreme pacifists,[3] while others openly favored violent slave uprisings, if necessary, and praised John Brown's methods of terror. Their political views also conflicted. Some believed the state was a divine institution to be obeyed up to the limits of one's conscience. Others thought the state evil, but adopted non-resistance as their creed. Still others qualify as anarchists or near anarchists who believed in the natural right of revolution.

What they agreed on was the depravity of slavery and the foolishness of holding a segment of the population in the Union by force (even if secession

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itself was wrong). An examination of their views and activities may call into question the tone of much writing on the War—that undercurrent that seems to say, "War was the only way."

Quandary for Pacifists

Historians of the War[4] have noted the quandary it presents at first glance for those sympathetic to the struggle for civil liberty: one must be either pro-war and antislavery, or anti-war and proslavery. The suggestion that one can be anti-war *and* antislavery is taken as evidence of naivety.

Unsurprisingly, the peace crusaders of the era found themselves in the same quandary. During the 1830's, '40's and '50's there was a proliferation of pacifist, non-resistant activity that was usually combined with abolitionism. As the slavery issue approached a boil and secession was openly discussed, the abolitionists appeared to unanimously favor separation from the "sinful" South.

In 1844, at the urging of the great abolitionist leader William Lloyd Garrison and others, the American Anti-Slavery Society passed a resolution calling for dissolution of the United States. Its backers believed that slavery was dependent on Northern force and "therefore that a dissolution of the Union would certainly abolish that system."[5] They saw the value of "making the REPEAL of the Union between the North and the South, the grand rallying point until it be accomplished, or slavery ceases to pollute our soil."[6] Declaring in *The Liberator* that "you can be free without the shedding of blood," Garrison defended the right of dissolution "by the very theory of your government."[7] In January 1843, the Massachusetts Anti-Slavery Society passed a resolution that contained words that have been associated with Garrison ever since: "The compact which exists between the North and the South is a 'covenant with death, and an agreement with hell'—involving both parties in atrocious criminality—and should be immediately annulled."[8]

Garrison and his colleague Wendell Phillips were motivated in part by their belief that the Constitution allowed for, or at best was neutral on, slavery. Phillips, writing in *The Liberator* in 1848, rebutted the more moderate abolitionists who sought to amend the Constitution:

> Disunion is a course, by which a man or a state may immediately disconnect themselves from the sin of sustaining slavery. The distant hope of Constitutional amendment not only allows, but makes it *necessary,* that we should remain in the Union, performing its sinful requirements while they continue the law of the land, in order to effect our object.[9]

Phillips fervently believed that Northern support was critical to slavery's existence and sought to hold Unionists culpable. "It [the proposal for dissolution] takes a lazy abolitionist by the throat," he said, "and thunders in his ear, '*Thou* art the slaveholder.'"[10]

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Horace Greeley added his voice to the dissolutionists with an editorial shortly after Lincoln's election:

> If the cotton states shall decide that they can do better out of the Union than in it, we insist on letting them go in peace. The right to secede may be a revolutionary one, but it exists nonetheless.... Whenever a considerable section of the Union shall deliberately resolve to go out, we shall resist all coercive measures designed to keep it in. We hope never to live in a republic whereof one section is pinned to the residue by bayonets.[11]

Such sentiments were more easily held and expressed before the shooting at Fort Sumter in April 1861. Once the war was on, opponents of a compulsory Union wavered, and peace organizations—which had long argued over the issue of defensive wars—writhed with internal discord. As Arthur A. Ekirch, Jr., writes in *The Civilian and the Military*:

> In the early months of 1861, the prospect of a civil war was looked upon with dismay by most thoughtful Americans.... Leaders of the vigorous peace movement of the 'forties and 'fifties realized especially well the threat that a war held for American free institutions. At the same time, because the pacifists were usually also staunch abolitionists, they were faced by a conflict of loyalties. After the Sumter incident many of the peace leaders went along with the majority of the American people in their acceptance of the Civil War as a necessary struggle. The abolitionists, at least, hoped that with the emancipation of the Negro slaves some good would come out of the military experience.[12]

Phillips, the disunionist of 1848, became the reluctant war supporter of December 1861:

> The war is better than the past, but there is not an element of good in it. I mean, there is nothing in it which we might not have gotten better, fuller, or more perfectly in other ways.... Neither will I remind you that, when we go out of this war, we go out with an immense disbanded army, an intense military spirit embodied in two thirds of a million soldiers, the fruitful, the inevitable source of fresh debts and new wars.[13]

Charles Sumner, who had previously delivered passionate anti-war speeches, found events forcing him "to give up early visions, and to see my country filled with armies, while the military spirit prevails everywhere."[14]

Even Garrison, who on at least one occasion had rebuked John Brown's violence at Harper's Ferry in 1859,[15] was heard to speak gently of the raging war. "When I said I would not sustain the Constitution because it was a 'covenant with death and an agreement with hell,' I had no idea I would live to see death and hell secede," Garrison said.[16] And further, "Now that the civil war has begun and a whirlwind of violence and excitement is to sweep the country, it is for abolitionists to 'stand still and see the salvation of God' rather than to attempt to add anything to the commotion."[17]

Garrison clearly suffered while wrestling with the dilemma. He was a passionate devotee of non-resistance. As Merle Curti wrote:

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> He even argued in its behalf with John Brown in the parlors of Theodore Parker on a January evening in 1857. But with the John Brown raid, Garrison surrendered. On the day of the execution of Brown, Garrison, in a speech at Tremont Temple, declared that wherever there was a conflict between the oppressed and the oppressor, his heart must be with the oppressed, and that therefore he could but wish success to all slave insurrections. "Give me," he said, "as a non-resistant, Bunker Hill and Lexington and Concord, rather than the Cowardice and Servility of a Southern slave-plantation." In the same breath he tried to persuade himself and his hearers that he had neither stained nor compromised his peace profession.[18]

A Garrison biographer, Ernest Crosby, has tried to explain Garrison's position:

> His defense [of the war]...is impregnable. He was living among people who did not accept his standards of right and wrong. If they chose to fight over an issue which he thought should be settled peaceably, he could not but hope that the side of Abolition would triumph.[19]

Garrison was not the only peace activist who tried to find some good in the War. Horace Greeley traveled the same route.

> Greeley desired emancipation passionately.... Might not the continuance of the war be justified if it was for the purpose of universal freedom?...It was this bridge of reconciliation which enable Greeley, the peace lover, to ballyhoo with the loudest militarist.[20]

Even such peace lovers as the Transcendentalists Emerson and Whitman found hope in the War.[21]

While the pro-war faction of the peace movement was not of the same bloodthirstiness as, say, Zachariah Chandler, the Michigan Radical Republican (who said, "without a little blood-letting this Union will not, in my estimation, be worth a rush"[22]), it went to great lengths to defend its curious position. Gerrit Smith, who was president of the American Peace Society, and others active in the APS argued that the fighting was not a war, but rather a rebellion that the federal government had a right to crush.[23]

The few remaining defenders of pacifism attempted to answer this and other pro-war arguments. Adin Ballou, a prominent peace activist and extreme pacifist, led the chorus against those they regarded as sell-outs:

> It is hard for me to understand how professing *anti*-war Abolitionists of long standing should so forget or ignore their former protestations against the use of violent means for carrying forward their work and freeing the bondsmen, as to be swept into the foaming vortex of blood and death.[24]

Concerning Garrison he wrote with incredulity:

> And—must I write it!—even Brother William Lloyd Garrison...who penned the 'declaration of sentiments' adopted by the Peace convention

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> of 1838, when spring the New England Non-Resistant Society—this man became more than apologist, he became a eulogist of the blood-shedding hero of the Harper's Ferry tragedy.[25]

Apparently sensitive to the possible inference that he was soft on slavery, he wrote that he opposes the war spirit "without abating one jot or tittle of my deep seated and ineradicable hostility to the gigantic system of American oppression."[26] He never ceased needling his friend Garrison:

> To ask a government to use the war power for the accomplishment of an object confessedly good, is to ask it to do what Non-Resistance teaches is essentially wrong.... And to petition the government to abolish slavery by the exercise of the war power, is to become morally involved in the bloodshed and death resulting from such an action.[27]

While Ballou's struggle was lonely, he was not completely alone. He found allies in Elihu Burritt, the free-trader and blacksmith who had taught himself thirty languages; Joshua P. Blanchard, the elderly Boston merchant; Moncure D. Conway, the Virginia pacifist; and Josiah Warren and Ezra H. Heywood (who wrote an anti-war article in *The Liberator* in 1863), two individualist anarchists who opposed all state enterprises, especially war.

Burritt was so desperate to see slavery ended peaceably he proposed a federal compensation program under which western lands would be sold off to recompense slaveholders. He also proposed a partial separation of the Confederacy as a compromise to end the War. "He welcomed every suggestion for compromise that was not an out and out surrender to slavocracy," wrote Curti in his book on Burritt.[28] According to Curti,

> the learned blacksmith differed from the vast majority of the original friends of peace when he refused to compromise with his conscience and resolutely held out against the argument that this war was merely a domestic insurrection which federal authority must legitimately crush. With a mere handful of other pacifists he insisted that the struggle *was* a war, to be opposed like any other.[29]

Burritt was disturbed about the views of the American Peace Society, in which he had been active. He believed that the APS's "sophistry and position have shorn the locks of the Society of all the strength of principle" and regretted that "49 in a hundred of all the *Quakers* in America have drifted from their moorings in this storm of passion or indignation."[30] In letters to his friend, the Rev. Henry Richard, secretary of the Peace Society of London, Burritt vented his anxiety and fears. In May 1861, he wrote Richard about Amasa Walker, an abolitionist and pacifist who early on had nonetheless leaned toward supporting the war. Burritt thanked Richard for writing Walker about the matter[31]:

> I hope it will tend to arrest his honest mind from the insidious drifting that has carried nearly all our peace friends into the wake of this

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> war.... The great trouble with professed friends of peace here, is the habit of working up fictitious premises, then building an argument and a policy upon them. Mr. [Rev. George C.] Beckwith [secretary of APS] in the *Advocate*, has done a great deal to commit the Peace Society to this quicksand footing. He has assumed from the beginning that this terrible conflict, in which each party is arraying 500,000 armed men against the other, is not a *war,* but quelling a mob on the part of the Federal Government, that the Northern army of half a million is only a sherifs [*sic*] *posse* called out to put down an organization of riotous individuals.... I have felt distressed at my inability to put forth a feather's weight of influence against the war spirit. In the first place, no Northern journal would admit an article against the conflict. Indeed a religious paper in Philadelphia was suppressed because it called it an *Unholy War.* The position taken by the Advocate of Peace completely nullifies that as an exponent of our fundamental principles, and there is no possibility of getting a hearing of a public audience for views adverse to the war. I have gone as far as I could, without exposing myself to arrest, in opposing the war; but I feel powerless and almost alone.[32]

A year and a half later, in another letter to Richard, he wrote, "I am regarded here as almost a *secessionist*; and indeed, I only try to modify that impression by calling myself a *separationist.*"[33] Burritt spent much time in England during the war in great despair.

Joshua P. Blanchard, treasurer of APS, rebuked the society throughout the war for its position. A prolific and colorful writer, Blanchard published articles in *The Liberator* and other papers and frequently wrote letters to editors. In his writing he gracefully rebutted every point raised in defense of the war by Christians and peace advocates. He firmly believed slavery would end after secession, either by mass run-aways or by action of the slaveholders. He accepted secession as an inherent right and the only solution compatible with the principle of government by consent of the governed. Moreover, he advocated mass conscientious objection to the war.[34]

In a March 1861 *Liberator* article, "Peaceable Division," Blanchard warned that forcible reunion would mean

> the entire subjugation of one of the parties, maintained by a perpetual occupation of military force, military tyranny over all the states, abandonment of our claim to be a government of the people.... The doctrine that the prerogatives of government are more sacred and inviolable than the rights, liberties, and welfare and even lives of individual men, is now openly maintained by the advocates of an enforced union, in direct opposition to the principle of popular sovereignty.... The success of this compulsory measure, establishing the character of our national government as one maintained by coercion, and not by consent, would be an awful apostacy, a retrogression into the barbarous maxims of European domination, cemented in blood; an utter failure of the first magnificent experiment of popular government, to the exultation of tyrants, the disgrace of our land, the despair of all the friends of freedom in the world.

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> ...But the harmonious union of the people of this nation, on the principle of general consent, can never be maintained where the sentiments of the two great sections of it are at such irreconcilable variance on the vital question of the right of slavery.... The only plan, then, for national reputation, for safety, for justice, and even for humanity, is to give each section an independent government, confirmed to its own ideas of right—that is, peaceable separation from each other.[35]

Blanchard denounced those members of the clergy who judged the war compatible with Christianity by virtue of its being merely a rebellion:

> "Rebellion" is defined by Webster, "an open and avowed renunciation of the authority of the government, to which one owes allegiance." This can only apply to government on the European principle—there can be no such thing as *owing* allegiance in a government expressly held on the will of the people.[36]

And he saved some of his most penetrating prose for the clergy's claim that the state had divine origins.

> It is significant that, in the Constitution, the name of God, or any reference to him, is not to be found, so careful were its framers to prevent the suspicion that he had any hand in it; and surely its character, and that of some of the laws under it, *indicate* any thing rather than divine instructions.[37]

Blanchard wrote that the right of secession was protected by the Declaration of Independence's principle of government by the consent of the governed, and rejected the argument that this refers to rule of the majority.

> But the rule of a majority of voters, of necessity led by a few influential persons, is but a disguised oligarchy.... The only way, then, in which this principle of Revolution—the consent of the governed—can be truly accomplished, is, not by increasing the comparative number in majorities, but by exempting private individuals, as far as possible, from the power of the government.... The appellations of "rebellion," and "treason," so profusely bestowed by Northern prints on this secession, are false, unjust, illiberal.[38]

He denounced the North's aggression, arguing that there were no grounds for the self-defense claim,[39] and added his voice to those who believed that slavery could not last without Northern support.

> It seems so clear that slavery in the South could not long exist when deprived of the support of the North, that we are surprised that this evident consequence is so overlooked or disregarded.... It is plain, then, that this war is not an anti-slavery, but a pro-slavery war.[40]

Josiah Warren, founder of the Modern Times experimental community,[41] took his stand as an abolitionist war opponent in his 1863 book *True Civilization, An Immediate Necessity.* As Curti writes,

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> This eccentric archindividualist made a strong plea for fundamental reorganization of society based on voluntary cooperation of sovereign individuals, without any violence, force, or compulsion either for perpetuation of a union of states, the protection of property, or the enforcement of the laws.[42]

Some of Warren's disciples at Modern Times avoided involvement in the War by leaving the country.[43]

Warren thought secession would be the death of slavery. As historian James J. Martin wrote,

> Disinterested in the political issues with which the term "secession" was connected, Warren always used the term loosely; he considered the act of a slave running away from his master as much a matter of "secession" as the desertion of the Union by a state.[44]

However, Warren demonstrated a lack of rigor in seeking a solution to the slave question. While supporting the right of individual sovereignty, he believed it might be bad for an uneducated group *without preparation.* Warren advocated affirming the right of slaves to be free, while protecting slaveholders from "all unnecessary violence...from slaves or any other source." In his view, the War occurred because Northerners believed that all Southerners regarded slavery as "natural."[45]

Warren, as we have seen, was not the only one who believed secession doomed slavery. A few historians have speculated that awareness of the right of revolutionary self-determination (William Appleman Williams's term) inherent in secession would have surely spread to the slaves themselves. Relocating the "Canadian border" to the Mason-Dixon line could only have boosted the abolitionist cause. As slaves poured out of the border states to freedom, that gateway to liberty would have dropped southward until slavery was extinct.[46]

Moreover, there is evidence that some slaveholders themselves foresaw this scenario. In 1861 no less a figure than Jefferson Davis told his wife, "In any case, I think our slave property will be lost eventually."[47] Even earlier, some Southerners had used this as an argument *against* secession. In 1842, Congressman Joseph Rogers Underwood of Kentucky remarked,

> How could we retain our slaves, when they, in one hour, one day, or a week at the furthest, could pass the boundary? Sooner or later, this process would extend itself farther and farther south, rendering slave labor so precarious and uncertain that it could not be depended upon.... Slavery in the States would fall with the Union.[48]

Speculation about the fate of slavery, had the war not been fought, generally ignores the possibility of a black "bourgeois" revolution in the South,[49] but this dismissal is too quick. *Private* help from friends of liberty in the North is a reasonable premise for suggesting the possibility. One anti-war abolitionist who was ready to provide the help was the curmudgeonly

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Lysander Spooner, a Boston businessman and constitutional lawyer, who, disagreeing with Garrison and Phillips, argued that slavery was unconstitutional.[50]

He believed that, had Northerners held the conviction that slavery violated the Constitution, the South would have found it difficult to persevere in a pro-slavery effort. He savagely denounced those who denied this psychological edge to the abolitionists. As he wrote in his 1864 letter to Charles Sumner,

> the slaveholders would never have dared, in the face of the world to attempt to overthrow a government that gave freedom to all, for the sake of establishing in its place one that should make slaves of those, who, by the existing Constitution, were free. But so long as the North, especially, so long as the professed (though hypocritical) advocates of liberty...conceded the Constitutional right of property in slaves, they gave the slaveholders the full benefit of the argument that they were insulted, disturbed, and endangered in the enjoyment of their *acknowledged* Constitutional right; and that it was therefore necessary to their honor, security and happiness that they should have a separate government. And this argument, conceded to them by the North, has not only given them strength and union among themselves, but has given them friends, both in the North and among foreign nations, and cost the nation hundreds of thousands of lives, and thousands of millions of treasure.... Upon yourself, and others like you...rests the blood of this horrible, unnecessary, and therefore guilty, war.[51]

Spooner's lack of enthusiasm for the War was the result of his lack of enthusiasm for the state. "Only he and a very few others realized it would be compounding crime and error to try to use government to right the wrongs committed by another government."[52] But Spooner was not a pacifist. He knew and admired John Brown, and when Brown was captured after Harper's Ferry, Spooner plotted to seize Virginia Governor Henry Wise and hold him until Brown was released. Lack of money aborted the plan.[53] Unlike the non-resistants, Spooner believed violence was justified in defense of one's natural rights and that this principle applied to the blacks held in slavery.

> The state of slavery is a state of war, in this case, it is a *just* war, on the part of the negroes—a war for liberty, and recompense of injuries; and necessity justifies them in carrying it on by the only means their oppressors have left them.[54]

Spooner actively tried to recruit Northerners and non-slaveholding Southerners to help slaves escape their masters. On an 1858 poster, he urged them to support a slave rebellion with arms, money, instruction in revolutionary methods and organization. He believed the slaves, not the slaveholders, should be compensated and that the land they were forced to work would make proper restitution. His poster declared:

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> We hope it [the extinction of slavery] may be without blood.... If it be objected that this scheme proposes war, we confess the fact. It does propose war—private war indeed—but nevertheless, war, if that should prove necessary.... If the American governments, state or national, would abolish slavery, we would leave the work in their hands. But as they do not, and apparently will not, we propose to *force* them to do it, or to do it ourselves in defiance of them.[55]

Spooner's writing on the War itself came only after its conclusion. He shows himself to be one of the early economic interpreters. Five years after Appomattox, Spooner denounced the War as the Northern businessmen's effort to "monopolize the Southern markets, to maintain their industrial and commercial control over the South...."[56] He was no socialist; his argument against the Northern industrial interests was a reflection of his individualistic anti-mercantilism which put him at odds with the Republican Party. In 1867 he wrote:

> On the part of the North, the war was carried on, not to liberate the slaves, but by a government that had always perverted and violated the Constitution to keep the slaves in bondage and was still willing to do so, if the slaveholders could be thereby induced to stay in the Union. The principle, on which the war was waged by the North, was simply this: That men may rightfully be compelled to submit to, and support, a government that they do not want; and that resistance, on their part, makes them traitors and criminals.... If it be established, the number of slaves, instead of having been diminished by the war, has been greatly increased; for a man, thus subjected to a government that he does not want, is a slave. And there is no difference, in principle—but only in degree—between political and chattel slavery.[57]

Spooner provides the final word to those who argue that the War was the only way:

> If their object had really been to abolish slavery, or maintain liberty or justice generally, they had only to say: All, whether white or black, who want the protection of this government, shall have it; all who do not want it, will be left in peace, so long as they leave us in peace. Had they said this, slavery would have necessarily been abolished at once; the war would have been saved; and a thousand times nobler union than we have ever had would have been the result.[58]

Conscientious Objection

Active opponents of the War had a tough time, as they always have. Besides being reviled as cowards or traitors or as un-American, they were often forced to participate in the War against their will. Only limited grounds for conscientious-objector status were allowed during conscription, and a commutation fee and alternative service were required. The Congress did not allow federal exemptions for clergymen until 1864.[59] Members of religious groups that objected to all war,[60] including the Society of Friends

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(Quakers) and the Mennonite Church, suffered abuses at the hands of the military authorities. Some were persecuted because they refused not only to serve, but also to provide substitute soldiers or pay the commutation fee.

Perhaps the most poignant story on record in this regard is that of Cyrus Pringle, a Quaker youth who meekly submitted when drafted in 1863, but refused to comply with any orders. In his touching diary, the Vermonter wrote,

> But we confess a higher duty than that to country, and asking no military protection of our government and grateful for none, deny any obligation to support so unlawful a system, as we hold a war to be even when waged in opposition to an evil and oppressive power and ostensibly in defence of liberty, virtue, and free institutions.[61]

During his ordeal, Pringle was imprisoned and later tied to four posts and forced to lie spread-eagle in the sun for two hours. He was finally sent home on the personal order of President Lincoln.[62]

While Lincoln showed some sympathy for the Quakers, others in his administration were impatient with such impertinence. During the War, Quaker Ethan Foster and one Charles Perry visited Secretary of State William H. Seward to plead on behalf of New England Friends who had been drafted. Foster recorded his recollections. Seward at one point asked,

> "Why don't Quakers fight?" Charles replied, "Because they believe it wrong, and cannot do it with a clear conscience." He reprimanded us severely because we refused to fight. After a little pause, I said, "Well, if this world were all, perhaps we might take thy advice," to which he responded, "The way to get along in the next world is to do your duty in this." I replied, "That is what we are trying to do; and now I want to ask thee a question, and I want thee to answer it; whose prerogative is it to decide what my duty is, thine or mine?" He did not answer the question.[63]

Conclusion

The anti-war abolitionists had but little ability to affect the course of the nation. They exercised little or no influence on their contemporaries who were caught up in the Save-the-Union Crusade. But as prognosticators, most were on the mark. They unhappily predicted that the nation would never be the same. They shuddered at the suspension of the writ of habeas corpus, newspaper censorship and jailing of editors, and the use of troops to break strikes.[64] And some realized that permanent changes would occur as a result of the Republican Party's neo-mercantilist program of high tariffs, aid to railroads and manipulation of the currency by government, not to mention conscription and the first income tax.[65] Finally, they were acutely aware that the fundamental change involved in forcibly preventing withdrawal from the Union represented a rejection of the principles of the revolution against the Old World. By virtue of this, if nothing else, they deserve the attention of historians and laymen alike.

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NOTES

1. This reasoning is curious since the critics argued that the War *should* not be fought, not that it *would* not be fought. See Joseph R. Stromberg, "The War for Southern Independence: A Radical Libertarian Perspective," *Journal of Libertarian Studies* 3, no. 1 (Spring 1979): 31–53.
2. See Frank L. Klement, *The Copperheads in the Middle West* (Chicago: Peter Smith, 1960); *idem, The Limits of Dissent* (Lexington, Ky.: University Press of Kentucky, 1970); and Wood Gray, *The Hidden Civil War,* (New York: Viking Press, 1942).
3. By "extreme pacifists" I mean those who believe that any use of physical force, even in genuine self-defense, is immoral.
4. Some have called it the War for Southern Independence or the War of Northern Aggression. See Stromberg, "The War for Southern Independence," and Stephen Halbrook, "Colonized We Stand: Class, Race and Power in Southern History," (paper delivered at Southeastern Regional Scholars Conference, University of South Carolina, April 29, 1978).
5. Aileen S. Kraditor, *Means and Ends in American Abolitionism* (New York: Pantheon, 1969), p. 196.
6. *Ibid.*, p. 198.
7. *Ibid.*
8. *Ibid.*, p. 200.
9. *Ibid.*, p. 212. Emphasis in original.
10. *Ibid.* Emphasis in original.
11. New York Tribune editorial, November 9, 1869, in Edward Chase Kirkland, *The Peacemakers of 1864* (New York: AMS Press, 1927), pp. 66–67.
12. Arthur A. Ekirch, Jr., *The Civilian and the Military: A History of the American Antimilitarist Tradition* (Colorado Springs, Colo.: Ralph Myles, 1972), p. 91.
13. *Ibid.*
14. *Ibid.*
15. "We do not and we cannot approve of any indulgence of the war spirit" (quoted in Ernest Crosby, *Garrison the Non-Resistant* [Chicago: Ozer, 1905], p. 46).
16. Margaret Hope Bacon, *I Speak for My Slave Sister: The Life of Abby Kelley Foster* (New York: Crowell, 1974), p. 191.
17. Merle Curti, *Peace or War: The American Struggle, 1636–1936* (New York: Norton, 1936), p. 58.
18. Curti, "Non-Resistance in New England," *New England Quarterly* 2, no. 1 (January 1929):55–56.
19. Crosby, *Garrison the Non-Resistant,* p. 86.
20. Adin Ballou, *The Auto-Biography of Adin Ballou* (Lowell, Mass.: Thompson & Hill, 1896), p. 419.
21. Kirkland, *The Peacemakers of 1864,* pp. 60–67.
22. Ekirch, *The Decline of American Liberalism* (New York: Atheneum, 1976), pp. 122–23.
23. J. G. Randall and David Herbert Donald, *The Civil War and Reconstruction,* (Lexington, Mass.: Heath, 1969), p. 152.
24. Peter Tolis, *Elihu Burritt: Crusader for Brotherhood* (Hamden, Conn.: Shoe String, 1968), p. 261.
25. Ballou, *Auto-Biography,* p. 416.
26. *Ibid.*, p. 418.
27. *Ibid.*, p. 448.
28. Curti, *The Learned Blacksmith: The Letters and Journals of Elihu Burritt* (New York: Ozer, 1938), pp. 121–22.
29. *Ibid.* Emphasis in original.
30. Tolis, *Elihu Burritt,* p. 263. Emphasis in original.
31. Walker later abandoned his pro-war views. See Peter Brock, *Radical Pacifists in Antebellum America* (Princeton: Princeton University Press, 1968), p. 245.
32. Letter from Burritt to Rev. Henry Richard in Curti, *The Learned Blacksmith,* pp. 138–40.

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33. *Ibid.*, p. 146. Emphasis in original. *The Advocate of Peace* was the publication of the American Peace Society.
34. Brock, *Radical Pacifists,* p. 261.
35. Joshua P. Blanchard, "Peaceable Division," *The Liberator,* March 1, 1861, in the Blanchard Scrapbook, Swarthmore College Peace Collection, Swarthmore, Pa.
36. Blanchard, "Christianity of War," *The Register,* May 23, 1861, in the Blanchard Scrapbook. Emphasis in original.
37. Blanchard, "War of Secession," 1861, pamphlet in the Blanchard Scrapbook. Emphasis in original.
38. *Ibid.*
39. *Ibid.*
40. *Ibid.*
41. See Curti, *Peace or War,* p. 59; also James J. Martin, *Men Against the State* (Colorado Springs, Colo.: Ralph Myles, 1970), pp. 1-102.
42. Curti, *Peace or War,* p. 59.
43. See Eric Foner, "Radical Individualism in America: Revolution to Civil War," *Literature of Liberty* 1, no. 3 (July-September 1978): 27.
44. See Martin, *Men Against the State,* p. 99, n. 59.
45. Joseph Dorfman, *The Economic Mind in American Civilization, 1606-1865* (New York: Viking Press, 1946), 2:960-61.
46. See William Appleman Williams, *America Confronts a Revolutionary World, 1776-1976* (New York: Morrow, 1976), pp. 117-18; and Stromberg, "The War for Southern Independence," pp. 41-44. Stromberg notes that the Confederate constitution prohibited foreign slave-trade.
47. Williams, *America Confronts a Revolutionary World,* p. 118.
48. *Ibid.*, p. 88.
49. See Stromberg, "The War for Southern Independence," p. 43.
50. See Lysander Spooner, *The Unconstitutionality of Slavery* (1845), in *The Collected Works of Lysander Spooner,* vol. 4, ed. Charles Shively (Weston, Mass.: M&S Press, 1971). Spooner is a rarity in that he actually became more radical as he grew older, becoming finally, a pure individualist anarchist. Despite his having invoked the Constitution against slavery, he argued in 1870 that under natural law it binds no one. "But whether the Constitution really be one thing or another, this much is certain—either it has authorized such a government as we have had, or has been powerless to prevent it. In either case, it is unfit to exist" (Spooner, *No Treason: The Constitution of No Authority,* vol. 6 [1870], in *Collected Works,* 1:59). His friend and fellow anarchist Benjamin Tucker in 1887 discussed Spooner's interest in the Constitution during the War: "It should be born in mind that the question was one of interpretation only; the authority of the Constitution as such was not under discussion; if it had been, Spooner's opposition to it would have been far more radical than Garrison's" (Benjamin Tucker, "Our Nestor Taken From Us," in Spooner, *Vices are not Crimes: A Vindication of Moral Liberty* [Cupertino, Cal.: TANSTAAFL, 1977], p. 43). For Garrison's and Phillip's response to Spooner on the constitutionality of slavery, see Kraditor, *Means and Ends in American Abolitionism.*
51. Spooner, "Letter to Charles Sumner," October 12, 1864, in *Collected Works,* 4:2-3.
52. Murray N. Rothbard, "Introduction," in Spooner, *Vices are not Crimes,* p. xvii.
53. Shively, Spooner biography in *Collected Works,* 1:38.
54. Spooner, "In Defense of Fugitive Slaves," *Collected Works* 4:37.
55. Spooner, "A Plan for the Abolition of Slavery" (poster), in *Collected Works* 4, fold-out illustration. See also Carl Watner, "The Radical Libertarian Tradition in Antislavery Thought," *Journal of Libertarian Studies* 3, no. 3 (Fall 1979): 299-330.
56. Spooner, *No Treason* 6, in *Collected Works* 1:54.
57. Spooner, *No Treason* 1, in *ibid.,* p. iii.
58. Spooner, *No Treason* 6, in *ibid.,* p. 57.
59. J. G. Randall, *Constitutional Problems Under Lincoln* (Gloucester, Mass.: Peter Smith, 1963), p. 263. Also, "Very little attention was paid to those whose conscientious objections to military service were based on non-religious grounds" (Randall and Donald, *The Civil War and Reconstruction,* p. 319).

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60. See Edward Needles Wright, *Conscientious Objectors in the Civil War* (Philadelphia: University of Pennsylvania Press, 1931), p. 6.
61. Rufus T. Jones, *Record of a Quaker Conscience: Cyrus Pringle's Diary* (New York: Pendle Hill, 1918), pp. 25–26.
62. *Ibid.* See also Randall, *Constitutional Problems,* p. 262.
63. Lillian Schlissel, ed., *Conscience in America* (New York: Dutton, 1968), pp. 100–101.
64. Foner, "Radical Individualism in America," p. 27.
65. *Ibid.* See also Murray N. Rothbard, *For a New Liberty* (New York: Macmillan, 1978), pp. 278–79.

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The Nearly Invisible Invisible Hand

by Rex L. Cottle and Myles S. Wallace*
Department of Economics, Clemson University

Adam Smith's "invisible hand" sometimes works in such marvelously subtle ways that it remains nearly invisible even to economists. A case in point involves government efforts to control prices.

Economists have long complained that a governmentally mandated price ceiling set below the going market price causes a shortage as exemplified by the housing crisis in Paris after World War II and, more recently, in Italy and New York City. Economists have also unanimously acknowledged that a government price support established above the market clearing price causes a surplus in production. Government purchases of surplus grain in the recent past testify to the validity of that argument. However, with but a few exceptions (Working, Benedict, Johnson, and Lee[1]), economists have, with a wave of their (visible) "hands", dismissed as totally irrelevant ceilings set above the current market price and floors set below it.

We want to right this nearly invisible wrong. Even price supports set below the going rate and price ceilings set above it have subtle, but real, effects on producers.

Consider the proverbial pin factory made famous by Adam Smith. Suppose the going rate today for pins is thirty cents per hundred. In a free-market economy, tomorrow's selling price may be higher or lower than thirty cents. The entrepreneur accepts this price fluctuation as a risk of doing business.

There is always the possibility that the price will fall enough to force the entrepreneur to shut down his plant and seek his fortune in another industry. And there is also a chance that tomorrow's price will rise so that the entrepreneur captures unanticipated profits.

Some of the risk may be reduced through hedging (e.g., through the futures market for pins or through long-term contracts) though the pin producer will incur a substantial cost. But the level of risk that remains for the entrepreneur after he has entered freely into all such possible contracts is

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socially efficient. Attempts to reduce risk further by legislative fiat cause misallocations of society's scarce resources.

If entry and exit into the pin industry are easy, pin producers cannot collude to limit competition. As the agricultural industry has so vividly demonstrated to the American consumer, the next best solution for a competitive industry is to develop a strong lobby to fight for its best interests. Imagine, then, that a pin lobby gets Congress to pass a law which guarantees that the price of pins cannot fall below twenty-seven cents per hundred, and that, if there is an oversupply of pins at that price, the government will serve as a purchaser of last resort—a sort of political pin cushion.

In the past the results of such laws were invisible to economists, though ever present. What economists call "downside" risk has been reduced. Firms face what is, in essence, a one-way bet. Prices can go no lower than twenty-seven cents, but higher prices, even very high future prices, are still possible. Realizing that the risk of doing business is now lower than it was before the law, existing firms will increase production and new firms will enter the industry.

Pin production will increase, forcing the price to fall towards the floor price or perhaps all the way to the floor. Because of increased production, the government may have to purchase a substantial surplus output of pins. That means taxpayers will get the sharp end once again. Society is now overproducing pins and underproducing other products. Because the price floor has acted as an insurance policy provided by the government at no cost to the pin industry, resources have been attracted to the pin industry. Since our resources are limited, that means we are producing less of something else which consumers really want even more than pins.

The analysis is symmetric with respect to a governmentally mandated price ceiling. For simplicity, assume, instead of a pin support lobby, that consumers of pins become sick and tired of greedy capitalists producing pins for a profit. Why should pin producers receive more than the pin's cost of production? Don't they realize that pins hold the economy together? Suppose government officials, in all their wisdom (and to insure their reelection), decide to do something about this sad state of affairs by mandating a maximum pin price of thirty-three cents per one hundred pins. According to conventional economic theory, if the ceiling price is above the current market price, it will have no immediate effect on the pin market. But there is an effect which has been overlooked.

The possibility of future "upside" gains to the pin producers has been reduced while the chance of downside losses has not changed. Pin production is now riskier than before the price ceiling, causing funds and resources to flow out of the pin industry. Some existing pin producers will probably convert their factories into producing safety pins or hair curling irons.

As supply is reduced, pin prices will rise. The price may even climb as high as thirty-three cents, converting a supposedly ineffective ceiling into an

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effective one. As a result, society will be stuck with a shortage of pins. Scarce resources are diverted away from pins, toward the production of less desirable items, all because government imposed a "meaningless" price ceiling on the pin industry.

In summary, neoclassical economists have long viewed price ceilings set above the market price and price floors set below the market price as being costless and irrelevant. If non-binding price limits were efficient, the market would have already introduced them. Our analysis sheds some light on the actual cost of such "invisible" controls on the market and, once again, reinforces the notion that for every government action there is a corresponding market reaction that almost invariably results in economic inefficiency.

The policy implications are obvious. For example, our theory predicts that: (1) state usury laws will cause funds to flow into states where potential gains are higher, even before the ceiling lending rate is reached; (2) price supports will enhance agricultural productivity even when they are not operative; and (3) minimum wage laws will affect employment not only for workers at or below the legislated minimum, but also for workers whose salaries are above the minimum wage.

When imposing price floors or ceilings that are "non-binding," government officials must consider the market reactions described above in order to assess the true cost of such policies. Likewise, when deregulating prices, government officials must consider the benefits derived from reversing the market responses outlined above, even if the controls are currently non-binding. Failure to do so will result in erroneous policy conclusions and further cloud the welfare effects of such policy.

NOTE

1. Holbrook Working, "Price Supports and Effectiveness of Hedging," *Journal of Farm Economics* (December 1963), pp. 811–18; Murray R. Benedict, "Attempts to Restrict Competition in Agriculture: The Government Programs," *American Economic Review* (May 1954), pp. 90–106; D. Gale Johnson, "Competition in Agriculture: Fact or Fiction," *American Economic Review* (May 1954), pp. 107–115; D. R. Lee, "Price Controls, Binding Constraints, and Intertemporal Economic Decision Marking," *Journal of Political Economy* (April 1978), pp. 293–301; D. R. Lee, "Price Controls on Non-Renewable Resources: An Intertemporal Analysis," *Southern Economic Journal* (July 1979), pp. 179–88. Also see R. L. Cottle and M. S. Wallace, "Effectivenesss of Supposedly Ineffective Governmental Price Constraints," *Atlantic Economic Journal,* forthcoming.

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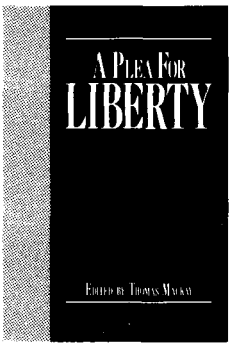

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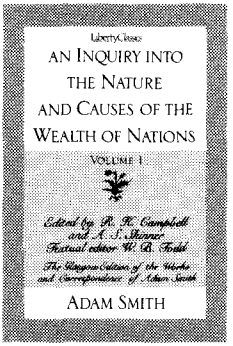

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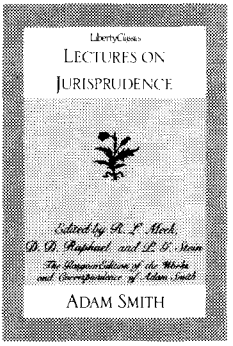

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